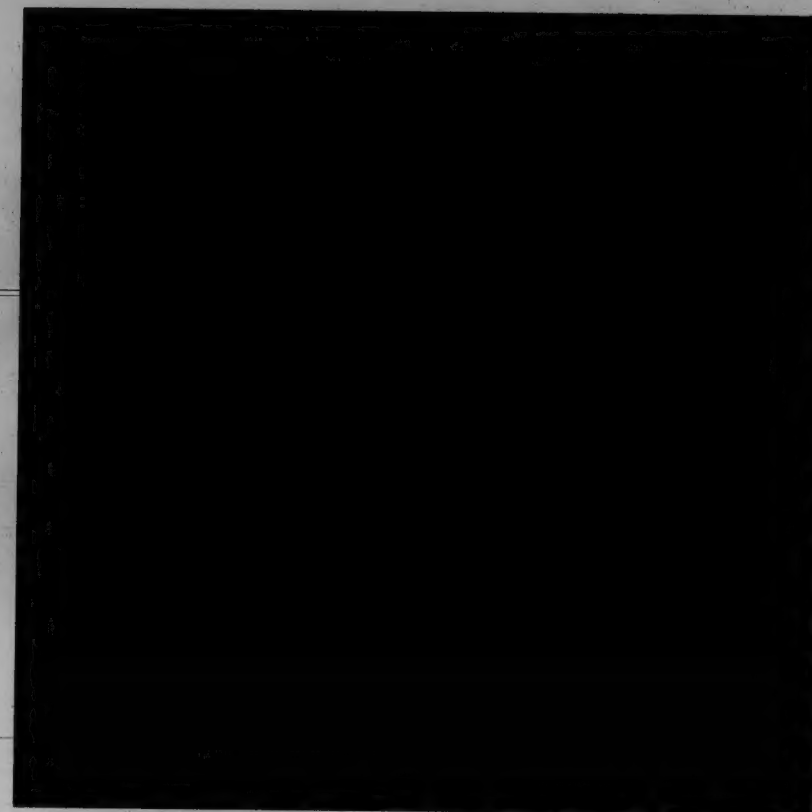
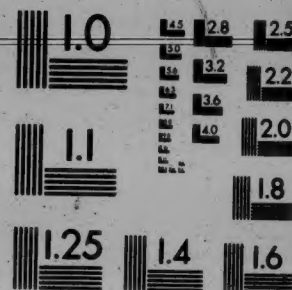
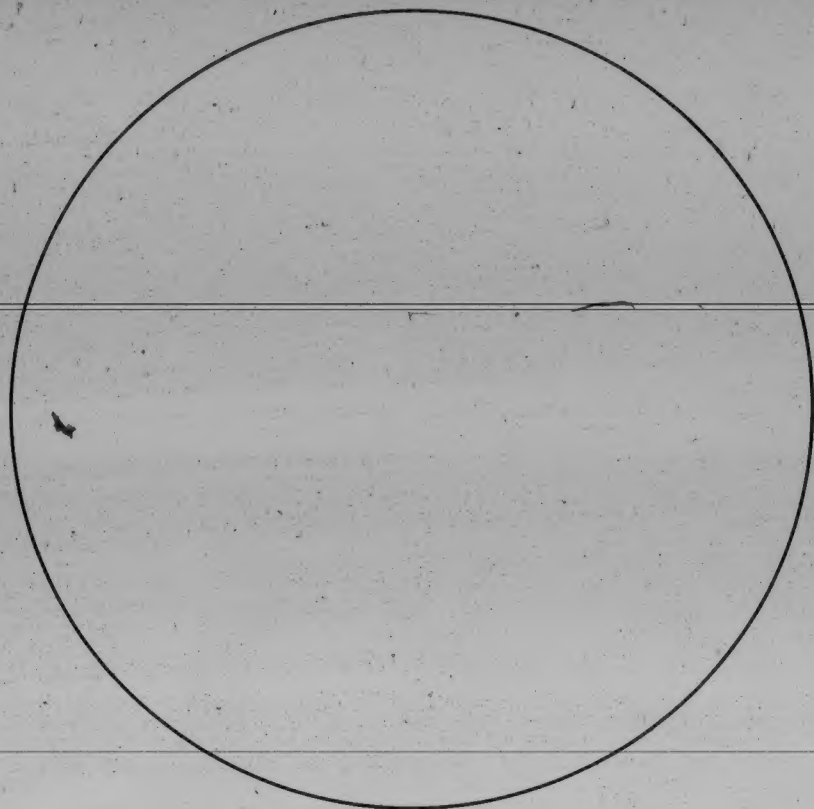
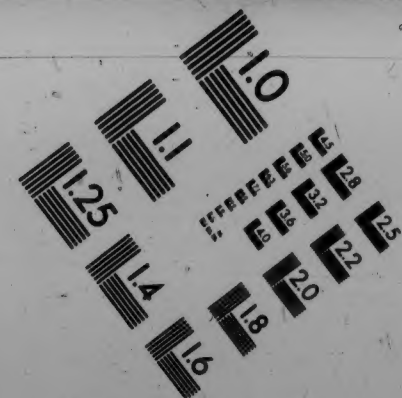
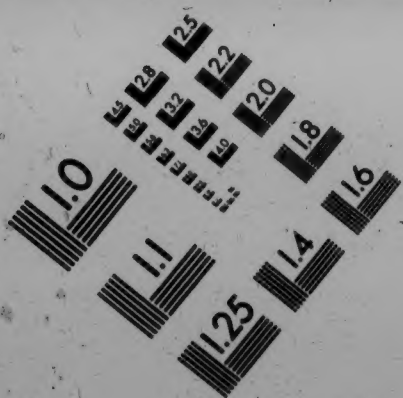
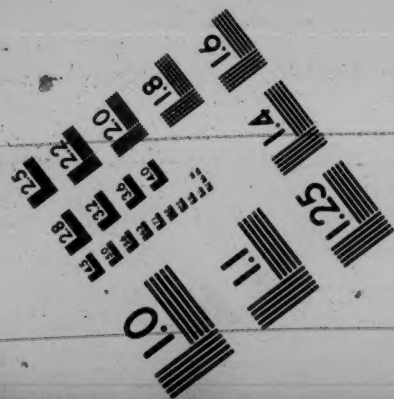
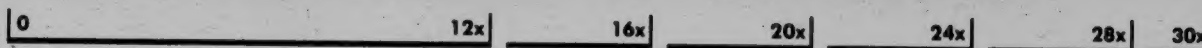




NATIONAL ARCHIVES CENTER  
FORT WORTH, TEXAS



SHOULD MEASURE .25" AT REDUCTION



MANUFACTURED BY  
PHOTOGRAPHIC SERVICES CORPORATION  
775 BASKET ROAD  
P.O. BOX 338  
WINSTON, NEW YORK, 14390



**NATIONAL ARCHIVES MICROFILM PUBLICATIONS**

Microfilm Publication M1301

APPLICATIONS FOR ENROLLMENT OF THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

1898 - 1914

ROLL 163

MISSISSIPPI CHOCTAW MCR 7105 - 7248

THE NATIONAL ARCHIVES  
NATIONAL ARCHIVES AND RECORDS SERVICE  
GENERAL SERVICES ADMINISTRATION

WASHINGTON: 1983

Choctaw MCR 7105

David Williams

MCR 7105

#7105.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T., March 18, 1903.

-----  
In the matter of the application of David Williams for the identification of himself as a Mississippi Choctaw.

David Williams, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A David Williams.  
Q How old are you? A Forty-five.  
Q What is your post office address? A Choska, Indian Territory.  
Q How long have you lived at Choska? A I just moved there the 27th of December.  
Q Where did you live before that? A In Texas.  
Q Where were you born? A In Mississippi.  
Q In what county in Mississippi? A I don't know, sir.  
Q You moved from Mississippi to Texas? A Yes, sir.  
Q And from Texas you moved to Choska? A Yes.  
Q What is your father's name? A Henry Holmes.  
Q Is he living? A I don't know.  
Q What is your mother's name? A Lutitia.  
Q Is she living? A Yes, sir.  
Q Through which one of your parents do you claim your Choctaw blood? A My mother and father.  
Q Were your father and mother married? A No, sir.  
Q Did they ever live together as husband and wife? A No, sir.  
Q How much Choctaw blood did your father have? A I don't know.  
Q How much Choctaw blood did your mother have? A One-half.  
Q How much Choctaw blood do you claim? A I claim about 1/4 or 1/2.  
Q Which is it? A I claim one-half; my father was Choctaw--so my mother said.  
Q Through which one of his parents did your father claim his Choctaw blood? A I don't know--through his mother's side I suppose.  
Q What makes you suppose? A I don't know.  
Q Did you ever know your father? A Yes.  
Q Through which one of her parents does your mother claim her Choctaw blood? A Her mother.  
Q What was her mother's name? A I don't remember grandmother's name.  
Q Do you know whether your grandfather had any Choctaw blood? A No, sir, he was a colored man--Sandy Roy, I remember him.  
Q Are you married? A Yes, sir.  
Q What is your wife's name? A Alice Williams.  
Q What is her blood? A Straight out negro.  
Q Is she living? A Yes.  
Q You make no claim for her? A No.  
Q Have you any minor children for whom you wish to make application? A No, sir.  
Q This application then is for yourself alone? A Yes.

David Williams -----2.

- Q Is your name to be found on any of the tribal rolls of the Choctaw Nation in Indian Territory? A I don't know.
- Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as a member of that tribe of Indians? A No, sir.
- Q Did you make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No, sir.
- Q Is this the first application of any description for citizenship or for enrollment as a member of the Choctaw tribe of Indians that has ever been made by you or on your behalf? A Yes, sir.
- Q Do you appear before the Commission at this time claiming rights in the Choctaw lands in Indian Territory under the provisions of article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand that article? A Yes, sir.

Article fourteen reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six-hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q That is the article under which you are claiming the rights to identification as a Mississippi Choctaw? A Yes, sir.
- Q What is the name of your Choctaw ancestor who was living in Mississippi in 1830 when this treaty was made? A I don't know sir.
- Q What is your mother's mother's name? A I don't remember.
- Q Was her name Gracie Battle? A I heard her say so, but I don't know.
- Q You were a slave? A Yes, sir.
- Q And your mother was a slave? A Yes.
- Q All your people you know were slaves? A Yes, sir.
- Q Was your father a slave? A No, sir.
- Q You are sure about that? A She said he was not.
- Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors live in the old Choctaw Nation in Mississippi and Alabama in 1830 when this treaty was made? A I don't know.
- Q Did any of them own an improvement at that time in what constituted the old Choctaw Nation? A I don't know.
- Q Did any of your Choctaw ancestors remove from that old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation Indian Territory at the time?



David Williams -----3.

Territory at the time of the removal of the greater portion of the Choctaw Indians between the years 1833 and 1838? A I reckon I heard my mother say her people left from Mississippi and went over there.

Q Went where? A Over to Arkansas or Georgia.

Q I am asking you if any of them removed to Indian Territory? A Not that I know of.

Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 signify to the Agent in Mississippi at that time an intention to remain in the old Choctaw Nation, to take land there and become citizens of the states? A I don't know, sir.

Q Did any of your Choctaw ancestors ever claim or receive any land from the government of the United States as Choctaw Indians? A I don't know.

In accordance with the provisions of article fourteen of the treaty of 1830 the government directed an agent in Mississippi at that time to register the names of all those Choctaws who might desire to remain in the old Choctaw Nation and comply with the provisions of that article. The records of the government show that this Agent failed to register and report the names of a great many Choctaws who really did signify to him their intention to remain in the old Choctaw Nation, to take land there and become citizens of the states. On this account, in many instances, the lands on which these Indians lived and had improvements, and which they desired to have reserved for them, were sold by the government at its public land sales and the Indians deprived of their land. This caused much complaint among the Choctaws and the matter was finally brought to the attention of Congress, and Congress, by acts passed March 3, 1837, and August 23, 1842, appointed Commissions whose duty it was to go to Mississippi and investigate these claims.

Q Did any of your Choctaw ancestors appear before either of these Commissions appointed in 1837 and in 1842 and attempt to establish their rights under the provisions of article fourteen of the treaty of 1830? A I don't know, sir.

The act of Congress approved August 23, 1842, provided, that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article fourteen of the treaty of 1830, but that his land had been sold by the government, he should be entitled to select land elsewhere in the states of Mississippi, Alabama, Louisiana, or Arkansas, to be taken from vacant government land, and that a certificate to that effect should be given him. These certificates were called scrip.

Q Did any of your Choctaw ancestors ever receive any such scrip from the government under that act of Congress? A I don't know.

Q So far as you know were any of your Choctaw ancestors ever recognized members of the Choctaw tribe of Indians? A No, sir.

Q Did any of your Choctaw ancestors ever receive any benefits from the United States Government as Choctaw Indians? A I don't know.

Q Have you any witnesses? A No.

Q Have you any documentary evidence to present? A No, sir.

Q Do you desire time in which to introduce further testimony? A Yes, sir.

David Williams -----4.

You will be allowed thirty days from the date of this application within which to introduce additional evidence in support of this claim.

Q Do you speak the Choctaw language? A No, sir, I am southern raised.

This applicant has the appearance of being a negro; shows no indication of possessing Choctaw blood, and knows of no compliance on the part of his Choctaw ancestors with the provisions of article fourteen of the treaty of 1830.

Q Your mother, Lutitia Wright, has made application to-day? A Yes, sir.

Reference is made to the case of Lutitia Wright, M.C.R. 7104, for the purpose of consolidation.

R. B. Eisenberg, being first duly sworn, states on his oath, that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on the 18th day of March, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings had on said date.

*R. B. Eisenberg*

Subscribed and sworn to before me this 18th day of May, 1903.

*Charles H. Sawyer*

Notary Public.

M.C.R. 7195.

Muskogee, Indian Territory, April 27, 1903.

S.W. Isaac,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your communication of April 22, 1903, in which you state that you are attorney for David Williams, an applicant for identification as a Mississippi Choctaw.

Your appearance has been made a matter of record in this case.

Respectfully,

Chairman.



COPY.

Muskogee, Indian Territory, August 6, 1903.

David Williams,

Choska, Indian Territory.

Dear Sir:

You are hereby advised that on the 6th day of August 1903 the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lutitia Wright, et al., embracing the following applications for identification as Mississippi Choctaws:

Lutitia Wright,  
David Williams,

M C R 7104  
M C R 7105

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lutitia Wright and David Williams, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."



DW 2

You are further advised that you will be allowed fifteen d  
days from the date hereof within which to file arguments in this  
office, and that at the expiration of said time the papers in the  
case, together with such arguments, will be forwarded to the Secre-  
tary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*T. B. Needles.*

Registered.

Commissioner in Charge.

M.C.R. 7105.

COPY.

Muskegee, Indian Territory, January 6, 1904.

David Williams,

Choska, Indian Territory.

Dear Sir:-

You are hereby notified that on the 23rd day of December 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lutitia Wright et al., of which decision you were advised by registered mail on the 6th day of August, 1903.

Respectfully,

(SIGNED)

*Tamie Bixby.*  
Chairman.

M C R 7105

Muskogee, Indian Territory, March 23, 1905.

David Williams,

Choska, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 7th instant, by reference from the Secretary of the Interior. Therein you state that you and your mother applied to the Commission for identification as Mississippi Choctaws and would like to be advised the status of such applications.

In reply you are informed that on December 22, 1903, the Secretary of the Interior approved the decision of the Commission refusing the applications made by you and your mother, Lutitia Wright, for identification as Mississippi Choctaws, of which departmental action you were duly notified on January 6, 1904.

The Commission now considers these applications closed, and it is not believed that you and your mother, Lutitia Wright, are in any manner entitled to possessory rights of the tribal property of the Choctaw and Chickasaw Nations.

Respectfully,

Chairman.

7105

No.

7105

## FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

Name *David Williams*

Age

45

Blood

 $\frac{1}{2}$ 

Post Office,

*Chocta, I.T.*

Father:

*Henry Holmes*

Mother:

*Lutitia Wright R*

Claims through

*both parents**wife: Alice Williams, nee*  
*(No claim father)*

Children:

*(Claiming for self*  
*alone,*

Stenographer

*R. B. Blasing*

A MISSISSIPPI CHOCTAW.  
David Williams

TERIOR.

RECALADION

FOR THE CHOCTAW.

RECALADION  
FOR CHOCTAW  
WORKS.

REFER TO M. C. R. 7104

Choctaw MCR 7106

Samuel G. Kerwood

MCR 7106

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T. March 18, 1903.

-----

In the matter of the application of Samuel G. Kerwood for the identification of himself and his two minor children, Floyd L., and Earl R. Kerwood, as Mississippi Choctaws.

Samuel G. Kerwood, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Samuel G. Kerwood.  
Q How old are you? A 28.  
Q What is your post office address? A York, Nebraska.  
Q How long have you lived there? A 17 years.  
Q Where did you live before that? A In Illinois.  
Q Were you born in Illinois? A Yes, sir.  
Q You lived in Illinois until you went to Nebraska? A Yes.  
Q What is your father's name? A Theophilus Kerwood.  
Q Is he living? A Yes, sir.  
Q What is your mother's name? A Eveline Kerwood.  
Q Is she living? A Yes, sir.  
Q You claim your Choctaw blood through your mother? A Yes.  
Q How much Choctaw blood do you claim? A I don't know.  
Q Has your mother, through whom you claim the right to identification, ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States? A I don't know.  
Q Through which one of her parents did your mother derive her Choctaw blood? A Her father.  
Q What was her father's name? A Baldwin Harper.  
Q Do you know how much Choctaw blood Baldwin Harper had? A No.  
Q Do you know how old he would be if living now? A No, I don't.  
Q Through which one of his parents did Baldwin Harper claim his Choctaw blood? A His father.  
Q What was his father's name? A Charles Harper.  
Q He was your great-grandfather? A Yes, sir.  
Q Do you know through which parent Charles Harper claimed his Choctaw blood? A No, sir.  
Q You are not able to trace your ancestry any further back than Charles Harper? A No, sir.  
Q Are you married? A Yes, sir.  
Q What is your wife's name? A Lottie M. Kerwood.  
Q Is she living? A Yes, sir.  
Q Is she a white woman? A Yes, sir.  
Q You make no claim for her? A No, sir.  
Q Have you any minor children for whom you wish to make application? A Yes, two.  
Q What are their names and ages? A Floyd L., 6 and Earl R. 3.  
Q This application then is for yourself and two minor children? A Yes, sir.

Samuel G. Kerwood -----2.

- Q You are the father of these two children? A Yes, sir.  
Q And Lettie M. Kerwood is the mother? A Yes, sir.  
Q These children claim their Choctaw blood through you? A Yes.  
Q When and where you married? A In York, Nebraska, in 1896.  
Q Were you married under a license? A Yes, sir.  
Q Have you the marriage license and certificate with you? A Yes.  
Q You will file a certified copy of your marriage license during the afternoon? A Yes, sir.  
Q Is your name or are the names of these children to be found on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.  
Q Did you ever make application to the Choctaw tribal authorities for the enrollment of yourself or your minor children as members of that tribe of Indians? A No, sir.  
Q Did you, or did any one for you, or for your minor children, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No.  
Q Is this the first application of any description that you have ever made to any authority for enrollment as members of the Choctaw tribe of Indians? A Yes, sir.  
Q You appear before the Commission at this time claiming rights in the Choctaw lands in Indian Territory for yourself and minor children under the provisions of article fourteen of the treaty of 1830? A Yes, sir.  
Q Do you understand article fourteen? A Yes, sir.

It reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months after the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six-hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q That is the provision of law under which you are claiming the right to identification as a Mississippi Choctaw? A Yes, sir.  
Q What is the name of your Choctaw ancestor through whom you claim this right? A Charles Harper.  
Q Was Charles living in the old Choctaw Nation and the head of a family in 1830? A I don't know.  
Q Did any of your Choctaw ancestors live in Mississippi or Alabama in 1830 when this treaty was made? A I don't know.  
Q Were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians at that time? A I don't know.  
Q Did any of your Choctaw ancestors comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A I don't know.



Samuel G. Kerwood -----3.

- Q Did any of your Choctaw ancestors own an improvement in 1830 in what constituted the old Choctaw Nation? A I don't know.
- Q Did any of your Choctaw ancestors remove from that old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation, Indian Territory, at the time of the removal of the greater portion of the Choctaw Indians between the years 1833 and 1838? A I don't know.
- Q Did any of your Choctaw ancestors, within six months after the ratification of the treaty of 1830, signify to the Agent in Mississippi at that time an intention to remain in the old Choctaw Nation, take land there and become citizens of the states? A I don't know.
- Q Did any of your Choctaw ancestors ever receive or claim any land in Mississippi or Alabama from the government of the United States as Choctaw Indians? A I don't know.

In accordance with the provisions of article fourteen of the treaty of 1830, the government directed an Agent in Mississippi at that time to register the names of all those Choctaw Indians who might desire to remain in the old Choctaw Nation and comply with the provisions of that article. The records of the government show that this Agent failed to register and report the names of a great many Choctaws who really did signify to him an intention to remain in the old Choctaw Nation, to take land there and become citizens of the states. On this account, in many instances, the lands on which these Indians lived and had improvements, and which they desired to have reserved for them, were sold by the government at its public land sales, and the Indians deprived of their land. This caused much complaint among the Choctaws and the matter was finally brought to the attention of Congress, and Congress, by acts passed March 3, 1837, and August 23, 1842, appointed Commissions whose duty it was to go to Mississippi and investigate these claims.

- Q Did any of your Choctaw ancestors appear before either of these Commissions appointed in 1837 and in 1842, and attempt to establish their rights under the provisions of article fourteen of the treaty of 1830? A Not that I know of.

The act of Congress approved August 23, 1842, provided, that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article fourteen of the treaty of 1830, but that his land had been sold by the government, he should be entitled to select land elsewhere in the states of Mississippi, Alabama, Louisiana, or Arkansas, to be taken from vacant government land, and that a certificate to that effect should be given him. These certificates were called scrip.

- Q Did any of your Choctaw ancestors ever receive any such scrip from the government of the United States under that act of Congress? A I don't know.
- Q So far as you know were any of your Choctaw ancestors ever recognized members of the Choctaw tribe of Indians? A No.
- Q Did any of them ever receive any benefits from the government as such? A No.
- Q Have you any witnesses to call? A No.
- Q Any documentary evidence to present? A No.

Samuel G. Kerwood -----4.

Q Do you desire time in which to present further testimony? A Yes, sir.

You will be allowed thirty days time from the date of this application within which to introduce additional evidence in support of your claim.

Q Do you speak or understand the Choctaw language? A No, sir.  
Q Are there any further statements you wish to make? A No.  
Q Your mother, Eveline Kerwood, has appeared before the Commission to-day, has she not? A Yes, sir.  
Q Your brother, John R. F. Kerwood, and your sister Hattie Jones have also appeared, have they not? A Yes, sir.  
Q Do you desire your case considered with theirs? A Yes.  
Q Other of your relatives have appeared also? A Yes, sir.

Reference is made to the case of Jasper Chambers, M.C.R. 5670, and also to the case of Christopher C. Hanks, M. C. R. 6508, for the purpose of consolidation.

Applicant has the appearance of being a white man; shows no indication of possessing Choctaw blood; light complected; light brown hair; has no knowledge of any compliance on the part of his Choctaw ancestors with the provisions of article fourteen of the treaty of 1830.

R. B. Eisenberg, being first duly sworn, states on his oath, that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on the 18th day of March, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings had on said date.

*R. B. Eisenberg*

Subscribed and sworn to before me this 18th day of May, 1903.

*Charles H. Sawyer*  
Notary Public.

M.C.R. 7106.

Muskogee, Indian Territory, November 6, 1903.

Samuel G. Kerwood,

York, Nebraska,

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of yourself and minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

Muskogee, Indian Territory, March 17, 1904.

Samuel G. Kerwood,  
York, Nebraska.

Dear Sir:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which the application made by you for the identification as Mississippi Choctaws of yourself and your two minor children, Floyd L. and Earl R. Kerwood, was made a part, refusing said application.

This decision is subject to your inspection, and the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision. At the expiration of that time the record will be transmitted, together with such argument and brief as may be submitted by the applicants and their attorneys, to the Secretary of the Interior for his consideration.

Respectfully,

Commissioner in Charge.

Register

M.C.R.-7106.

Muskogee, Indian Territory, June 26, 1905.

Samuel G. Kerwood,  
York, Nebraska.

Dear Sir:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 17th day of March, 1904.

Respectfully,

Chairman.

No. 7106

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

Name Samuel G Kerwood

Age 28 Blood Dark / know

Post Office, York, Neb.

Father: Theophilus Kerwood L

Mother: Eveline " L

Claims through mother..

Wife: Lottie M. Kerwood L  
(No claim for her)

Children:

Floyd L Kerwood 6  
Earl R " 3

(Claims for self & 2 children)

Stenographer

R. B. Lisenby

FOR IDENT.  
A MISSISSIPPI CHOCTAW.

*Samuel G. Kerwood, et*

DECISION RENDERED.

MAR 4 1904

COPY OF DECISION FURNISHED  
ATTORNEYS FOR CHOCTAW AND  
CHICKASAW NATIONS

MAR 4 1904

NOTICE OF DECISION MAILED APPLICANT.

MAR 17 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED BY  
SECRETARY OF INTERIOR.

MAR 31 1905

NOTICE OF DEPARTMENTAL  
ACTION MAILED APPLICANT.

JUN 26 1905

RECORD OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR APPLICANT.

J. N.

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

REFER TO M. C. R.

5670

Choctaw MCR 7107

William H. Reynolds

MCR 7107



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T. March 18, 1903.

-----

In the matter of the application of William H. Reynolds for the identification of himself and his five minor children, Everett, Mattie, Willie, Milton and Hildred Reynolds, as Mississippi Choctaws.

William H. Reynolds, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A William H. Reynolds.  
Q What is your age? A Forty-four.  
Q What is your post office address? A Craig, Missouri.  
Q How long have you lived there? A 21 years.  
Q Where did you live before that? A In Kentucky.  
Q Were you born in Kentucky? A Yes, sir.  
Q You lived in Kentucky all your life until you went to Missouri?  
A Yes, sir.  
Q What is your father's name? A John Reynolds.  
Q Is he living? A Yes, sir.  
Q What is your mother's name? A Lydia Reynolds.  
Q Is your mother living? A Yes, sir.  
Q Through which one of your parents do you claim your Choctaw blood? A My mother.  
Q How much Choctaw blood do you claim? A 1/8.  
Q Has your mother, through whom you claim the right to identification as a Mississippi Choctaw, ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States?  
A Not that I know of.  
Q Through which one of her parents does your mother derive her Choctaw blood? A Her father.  
Q What was her father's name? A William Hanks.  
Q What was the name of your mother's mother? A Louisa Hall.  
Q She was a white woman? A Yes, sir.  
Q She claimed no Choctaw blood? A No.  
Q Through which one of his parents did William Hanks derive his Choctaw blood? A His mother.  
Q What was her name? A Lydia Hanks.  
Q What was his father's name? A Phielding Hanks.  
Q He had no Choctaw blood? A No.  
Q Through which one of her parents did Lydia Hanks claim her Choctaw blood? A Through her father.  
Q What was his name? A John Harper.  
Q How much Choctaw blood did John Harper have? A I don't know.  
Q How old is your mother at this time? A 71.  
Q Did she have any elder brothers or sisters? A Yes.  
Q How much elder is the oldest? A I don't know.  
Q About how much? A Two or three years elder.  
Q And her father's name was William Hanks and her mother's name Louisa Hall? A Yes, sir.

William H. Reynolds -----2.

- Q Then William Hanks and Louisa Hall were married prior to 1830?  
A I don't know.
- Q They must have been if your mother is 71 and she has two or three older brothers and sisters? A I guess she was--I don't remember.
- Q You say your mother has two or three older brothers and sisters?  
A Two I think.
- Q How much older than her is the oldest? A Three or four years.
- Q Then that oldest brother or sister must have been born before 1830? A I guess so.
- Q You know that don't you? A I only know what they say.
- Q Are you married? A Yes, sir.
- Q What is your wife's name? A Mary E.
- Q Is she a white woman? A Yes, sir.
- Q She claims no Choctaw blood? A No, sir.
- Q You make no claim for her? A No.
- Q Have you any minor children for whom you wish to make application? A Yes, sir.
- Q What are their names and ages? A Everett, 19; Mattie, 16; Willie, 6; Milton, 3, and Hildred, 1.
- Q Are you the father of these children? A Yes, sir.
- Q And Mary E. Reynolds is the mother? A Yes, sir.
- Q These children claim their Choctaw blood through you? A Yes.
- Q This application then is for yourself and your five minor children? A Yes, sir.
- Q When were you married to Mary E. Reynolds? A In 1839.
- Q Where? A In Kentucky.
- Q Were you married under a license? A Yes, sir.
- Q Have you your marriage license with you? A No.

It will be necessary that you furnish proper evidence of your marriage to Mary E. Reynolds in support of the claim you now make for the identification of your minor children. This evidence may be furnished within thirty days.

- Q Is your name, or are the names of your minor children to be found on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
- Q Did you, or did any one for you, or for your minor children, ever make application to the Choctaw tribal authorities to be enrolled as members of that tribe of Indians? A No.
- Q Did you, or did any one for you, or for your minor children, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No, sir.
- Q Is this the first application of any description that has ever been made by you or on your behalf or on behalf of any of these minor children for citizenship in the Choctaw Nation? A Yes.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself or for your minor children under the provisions of article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand that article? A Yes, sir.

Article fourteen reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall there-

William H. Reynolds -----3.

upon be entitled to a reservation of one section of six-hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Is that the provision of law under which you are claiming the right to identification as a Mississippi Choctaw? A Yes, sir.
- Q What is the name of your Choctaw ancestor through whom you claim these rights? A Lydia Harper.
- Q Your great-grandmother? A Yes, sir.
- Q You had a less remote ancestor than Lydia Harper living in 1830 did you not in the person of William Hanks, your grandfather, who was married and the head of a family at that time? A Yes, sir.
- Q Did any of your Choctaw ancestors comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A Not that I know of.
- Q Were any of your Choctaw ancestors living in Mississippi or Alabama in 1830 when this treaty was made? A Chief John Harper.
- Q Was he living in Mississippi or Alabama at that time? A That's what I have been told.
- Q Where did he live? A I don't know.
- Q When did you first know that John Harper lived in Mississippi at that time. That is what my mother said.
- Q Don't you know it as a matter of fact? A No, sir.
- Q Did Lydia Hanks, or William Hanks, your great-grandfather, live in Mississippi or Alabama when this treaty was made? A Not that I know of.
- Q Were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians when this treaty of 1830 was made? A Not that I know of.
- Q Did any of your Choctaw ancestors own an improvement in what constituted the old Choctaw Nation at that time? A I don't know.
- Q Did any of your Choctaw ancestors remove from that old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation Indian Territory at the time of the removal of the greater portion of the Choctaw Indians between the years 1833 and 1838? A I don't know.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 signify to the Agent in Mississippi at that time an intention to remain in the old Choctaw Nation, take land there and become citizens of the states? A Not that I know of.
- Q Did any of your Choctaw ancestors ever claim or receive any land from the government of the United States under the provisions of article fourteen of the treaty of 1830? A Not that I know of.

William H. Reynolds -----4.

In accordance with the provisions of article fourteen of the treaty of 1830, the government directed an agent in Mississippi at that time to register the names of all these Choctaw Indians who might desire to remain in the old Choctaw Nation and comply with the provisions of that article. The records of the government show that this agent failed to register and report the names of a great many Choctaws who really did signify to him their intention to remain in the old Choctaw Nation, to take land there and become citizens of the states. On this account, in many instances, the lands on which these Indians lived and had improvements, and which they desired to have reserved for them, were sold by the government at its public land sales and the Indians deprived of their land. This caused much complaint among the Choctaws and the matter was finally brought to the attention of Congress, and Congress, by acts passed March 3, 1837, and August 23, 1842, appointed Commissions whose duty it was to go to Mississippi and investigate these claims.

- Q Did any of your Choctaw ancestors appear before either of these Commissions appointed in 1837 and in 1842, and attempt to establish their rights under the provisions of article fourteen of the treaty of 1830? A Not that I knew of.

The act of Congress approved August 23, 1842, provided, that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article fourteen of the treaty of 1830, but that his land had been sold by the government, he should be entitled to select land elsewhere in the states of Mississippi, Alabama, Louisiana, or Arkansas, to be taken from vacant government land, and that a certificate to that effect should be given him. These certificates were called scrip.

- Q Did any of your Choctaw ancestors ever receive any such scrip from the government of the United States under that act of Congress? A I don't know.
- Q So far as you know were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians? A No, sir.
- Q Did any of them ever receive any benefits from the government as Choctaw Indians? A I don't know.
- Q Have you any witnesses? A No.
- Q Have you any documentary evidence to present? A No.
- Q Do you desire time in which to introduce further evidence? A Yes.

Thirty days time from the date of this application will be allowed you in which to introduce additional evidence in support of your claim.

- Q Do you speak or understand the Choctaw language? A No.
- Q Are there any further statements you wish to make? A No.
- Q Has your mother been before the Commission to make application? A Not yet.
- Q Have any of your relatives been here? A Two sisters--Mary Wills and Louvina E. Downs.
- Q Any others? A My uncle Jack Hanks, and Philding Hanks.
- Q What relation is Christopher C. Hanks to you? A My uncle.

William H. Reynolds -----5.

Reference is made to the case of Christopher C. Hanks, M.C.R. 6508, and also to the case of Jasper Chamber, M.C.R. 5670.

Applicant has the appearance of being a white man; shows no indication of possessing Chectaw Indian blood; has dark brown hair, brown mustache, light complexion, brown eyes; and has no knowledge of any compliance on the part of his Chectaw ancestors with the provisions of article fourteen of the treaty of 1830.

R. B. Eisenberg, being first duly sworn, states on his oath that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on the 18th day of March, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings had on said date.

*R. B. Eisenberg*

Subscribed and sworn to before me this 18th day of May, 1903.

*Charles H. Sawyer*  
Notary Public.

M.C.R.7107.

Muskogee, Indian Territory, November 6, 1903.

William H. Reynolds,

Craig, Missouri,

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of yourself and minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M C R 7107

Muskogee, Indian Territory, November 12, 1903.

W. H. Reynolds,  
Craig, Missouri.

Dear Sir:

~~Receipt is hereby acknowledged of your letter of the 8th~~  
instant, in which you ask the status of your case.

In reply you are informed that it appears from our records that you made application to this Commission for the identification of yourself and minor children as Mississippi Choctaws, but up to the present time no decision has been rendered relative to your right to such identification. When a decision is rendered, you will be duly notified.

Respectfully,

Chairman.



M C R 7107

Muskogee, Indian Territory, December 28, 1903.

W. H. Reynolds,  
Craig, Missouri.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 15th instant, enclosing enclosing letter from W. G. Frazier, Clerk of Powell County Court, Stanton, Kentucky, and certified copy of marriage certificate between William Reynolds and Mary E. Spencer, offered in support of the application made by you for the identification of yourself and minor children as Mississippi Choctaws. The same have been filed with the record in your case.

Respectfully,

Chairman.



M C R 7107

Muskogee, Indian Territory, March 17, 1904.

William H. Reynolds,  
Craig, Missouri.

Dear Sir:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which the application made by you for the identification as Mississippi Choctaws of yourself and your five minor children, Everett, Mattie, Willie, Milton and Hildred Reynolds, was made a part, refusing said application.

This decision is subject to your inspection, and the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision. At the expiration of that time the record will be transmitted, together with such argument and brief as may be submitted by the applicants and their attorneys, to the Secretary of the Interior for his consideration.

Respectfully,

Commissioner in Charge.

Registered

M C R 7107

Muskogee, Indian Territory, March 23, 1905.

W. H. Reynolds,  
Craig, Missouri.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 19th instant, asking if any final action has been taken on your application for identification as a Mississippi Choctaw.

In reply you are informed that on June 13, 1904, the record in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which your application is a part, together with the Commission's decision of March 4, 1904, adverse to the applicants, was forwarded to the Secretary of the Interior, and up to the present time the Commission has not been advised of any departmental action thereon.

When this case is passed upon by the Secretary of the Interior and this office so notified, you will be promptly advised of the action taken.

Respectfully,

Chairman.

M.C.R.-7107.

Muskogee, Indian Territory, June 28, 1905.

William H. Reynolds,  
Craig, Missouri.

Dear Sir:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 17th day of March, 1904.

Respectfully,

Chairman.

7107

No.

7107

## FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date \_\_\_\_\_  
 Name *William H Reynolds.*

Age *44.* Blood *Is.*

Post Office, *Craig, Mo.*

Father: *John Reynolds. L. ~~X~~*

Mother: *Lydia " L.*

Claims through *mother*  
*Wife Mary E. Reynolds. L.*  
*(No claim for her,*

## Children:

~~*Martha Reynolds*~~

*Everett Reynolds 19*

*Matthie " 16*

*Willie " 6*

*Milton " 3*

*Hildred " 1.*

*Claims for self & 5 minor  
 children*

Stenographer

*R. B. Eisenberg*

FOR THE  
A MISSISSIPPI CHOCTAW.

William H. Reynolds,

DECISION RENDERED.

MAR 4 1904

COPY OF DECISION FORWARDED  
ATTORNEY GENERAL AND  
CHICKASAW NATIONS.

MAR 4 1904

NOTICE OF DECISION MAILED APPLICANT.

MAR 17 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED BY  
SECRETARY OF INTERIOR.

NOTICE OF DEPARTMENTAL  
ACTION MAILED APPLICANT.

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY GENERAL APPLICANT.

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

RECEIVED TO M. C. R. 5670

Choctaw MCR 7108

Green Reynolds

MCR 7108

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T. March 18, 1903.

-----

In the matter of the application of Green Reynolds for the identification of himself and his two minor children, John C., and Annie A. Reynolds, as Mississippi Choctaws.

Green Reynolds, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Green Reynolds.
- Q How old are you? A Forty.
- Q What is your post office address? A Georgetown, Illinois.
- Q How long have you lived in Illinois? A Seven years.
- Q Where did you live before that? A In Kentucky.
- Q Were you born in Kentucky? A Yes, sir.
- Q You lived in Kentucky all your life until you removed to Illinois? A Yes, sir.
- Q What is your father's name? A John Reynolds.
- Q Is he living? A Yes, sir.
- Q What is your mother's name? A Lydia.
- Q Is she living? A Yes.
- Q Through which one of your parents do you claim your Choctaw blood? A My mother.
- Q How much Choctaw blood do you claim? A I could not tell exactly.
- Q Has your mother, through whom you claim the right to identification as a Mississippi Choctaw, ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States? A Not that I recollect.
- Q Through which one of her parents does your mother derive her Choctaw blood? A Her father, William Hanks.
- Q What was the name of your mother's mother? A Louisa Hall.
- Q Where was your mother born? A In Powell County, Kentucky.
- Q How old is your mother at this time? A 71.
- Q Did she have any older brothers or sisters? A She might have had one or two; it has been so long I don't recollect.
- Q Then William Hanks and Louisa Hanks were married prior to 1830? A I could not say.
- Q You say your mother is 71 and had two or three older brothers and sisters, so her parents must have been married in 1830? A A If there are two elders ones then I expect they were.
- Q Through which one of his parents did William Hanks derive his Choctaw blood? A His mother.
- Q What was his mother's name? A Lydia Harper.
- Q Who married Fielding Harper? A Yes, sir.
- Q He was a white man? A I don't know.
- Q Through which one of her parents did Lydia claim? A Her father, John Harper.
- Q How much Choctaw blood did John Harper have? A I don't know.

Green Reynolds -----2.

- Q Are you married? A Yes, sir.  
Q What is your wife's name? A Lizzie L. Reynolds.  
Q Is she a white woman? A Yes.  
Q You make no claim for her? A No.  
Q Have you any minor children for whom you wish to make application? A Yes, two.  
Q What are their names and ages? A John C. 14, and Annie A. 3.  
Q Are you the father of these children? A Yes.  
Q And is Lizzie the mother? A Yes, sir.  
Q These children claim their Choctaw blood through you? A Yes.  
Q When were you married to Lizzie Reynolds? A In 1886.  
Q Were you married under a license? A Yes.  
Q Have you your marriage license and certificate with you? A No.

It will be necessary that you furnish the Commission with proper evidence of your marriage to Lizzie Reynolds in support of the claim which you make for these two minor children. This evidence may be furnished within thirty days.

- Q Is your name or are the names of either of these minor children to be found on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.  
Q Did you, or did any one for you, or for these minor children, ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as members of that tribe of Indians? A No, sir.  
Q Did you, or did any one for you, or for these minor children, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No, sir.  
Q Is this the first application of any description that has ever been made for you or for your minor children for citizenship in the Choctaw Nation? A Yes, sir.  
Q Do you appear before the Commission now for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and minor children under the provisions of article fourteen of the treaty of 1830? A Yes, sir.  
Q Do you understand that article? A Yes, sir.

Article fourteen reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months after the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."



Green Reynolds -----3.

- Q Is that the provision of law under which you are claiming the right to identification of yourself and minor children as Mississippi Choctaws? A Yes, sir.
- Q What is the name of your Choctaw ancestor through whom you claim that right? A William Hanks.
- Q Lydia Harper was his mother? A Yes, sir.
- Q And Lydia Harper was the daughter of John Harper? A Yes.
- Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A I don't know.
- Q Were any of your Choctaw ancestors living in that old Choctaw Nation in Mississippi and Alabama when this treaty was made? A Not that I know of. I heard them talk about John Harper moving from Kentucky.
- Q John Harper was your great-great-grandfather? A Yes.
- Q You had a less remote ancestor than John Harper who was living in the old Choctaw Nation in 1830 and the head of a family in the person of William Hanks, did you not? A I don't recollect.
- Q You say that your mother is 71 years old? A About that.
- Q And that she has two or three older brothers and sisters? A I could not tell you exactly--only what I heard; there were two I expect, but I just heard them say.
- Q Then your mother's father, William Hanks, was married prior to 1830 and the head of a family at that time? A I guess.
- Q Did any of your Choctaw ancestors own an improvement in Mississippi in 1830 when this treaty was made? A I could not tell you.
- Q Were any of your Choctaw ancestors recognized members of the Choctaw tribe at that time? A I could not tell anything about that.
- Q Did any of your Choctaw ancestors remove from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, at the time of the removal of the greater portion of the Choctaw Indians between the years 1833 and 1838? A I could not tell you.
- Q Did any of your Choctaw ancestors, within six months after the ratification of the treaty of 1830, signify to the agent in Mississippi at that time an intention to remain in the old Choctaw Nation, take land there and become citizens of the states? A I don't recollect.
- Q You never heard anything about that? A If I did, I don't recollect.
- Q Did any of your Choctaw ancestors ever receive or claim any land from the government of the United States under the provisions of article fourteen of the treaty of 1830? A I don't know.

In accordance with the provisions of article fourteen of the treaty of 1830, the government directed an agent in Mississippi at that time to register the names of all those Choctaw Indians who might desire to remain in the old Choctaw Nation and comply with the provisions of article fourteen of that treaty. The records of the government show that this agent failed to register and report the names of a great many Choctaws who really did signify to him their intention to remain in the old Choctaw Nation, take land there and become citizens of the states. On this account, in many instances, the lands on which these Indians lived and had improvements and which they

Green Reynolds -----4.

desired to have reserved for them, were sold by the government at its public land sales. This caused much complaint among the Choctaws and the matter was finally brought to the attention of Congress, and Congress, by acts passed March 3, 1837, and August 23, 1842, appointed Commissions whose duty it was to go to Mississippi and investigate these claims.

- Q Did any of your Choctaw ancestors appear before either of these Commissions and attempt to establish their rights under the provisions of article fourteen of the treaty of 1830? A If they did I don't recollect.
- Q You never heard of it? A No.

The act of Congress approved August 23, 1842, provided, that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article fourteen of the treaty of 1830, but that his land had been sold by the government, he should be entitled to select land elsewhere in the states of Mississippi, Alabama, Louisiana, or Arkansas, to be taken from vacant government land, and that a certificate to that effect should be given him. These certificates were called scrip.

- Q Did any of your Choctaw ancestors ever receive any such scrip from the government of the United States under that act of Congress? A I don't know.
- Q So far as you know, did any of your Choctaw ancestors ever receive any benefits from the government as Choctaw Indians? A No, sir.
- Q Have you any witnesses? A No, sir.
- Q Have you any documentary evidence? A No.
- Q Do you desire time in which to present further evidence? A Yes, sir.

You will be allowed thirty days from the date of this application within which to introduce additional evidence in support of your claim.

- Q Do you speak or understand the Choctaw language? A No.
- Q Does your mother speak it? A I don't recollect if she did; I could not tell.
- Q Don't you know if your mother spoke or understood the Choctaw language? A No, sir.
- Q Are there any further statements you desire to make? A No.
- Q William H. Reynolds, your brother, has appeared before the Commission? A Yes, sir.
- Q Several other of your relatives have appeared within the last few days? A Yes, sir.

Reference is made to the case of Christopher C. Hanks, M.C.R. 6508, and to the case of Jasper Chambers, M.C.R. 5670.

Applicant has the appearance of being a white man; shows no indication of possessing Choctaw Indian blood; has dark hair, brown eyes; brown mustache, and has no knowledge of any compliance on the part of his Choctaw ancestors with the provisions of article fourteen of the treaty of 1830.

Green Reynolds -----5.

R. B. Eisenberg, being first duly sworn, states on his oath that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on the 18th day of March, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings had on said date.

*R. B. Eisenberg*

Subscribed and sworn to before me this 18th day of May, 1903.

*Charles H. Sawyer*  
Notary Public.

M C R 7108

Muskogee, Indian Territory, April 16, 1903.

H. B. Williams,  
Attorney at Law,  
Craig, Missouri.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 11th instant, enclosing certified copy of marriage certificate between Green Reynolds and Lizzie Lee Griggs, offered in support of the application made by Green Reynolds for the identification of himself and minor children as Mississippi Choctaws. The same has been filed with the record in this case.

Respectfully,

Commissioner in Charge.

M.C.R. 7108.

Muskogee, Indian Territory, November 6, 1903.

Green Reynolds,

Georgetown, Illinois.

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of your application for identification of yourself and minor children as Mississippi Choctaws and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Commissioner in Charge.

M.C.R. 7108

Muskogee, Indian Territory, November 6, 1903.

H. B. Williams,  
Attorney-at-Law,  
Craig, Missouri.

Dear Sir:

You are hereby advised that the Commission has this day notified Green Reynolds that he will be allowed thirty days from this date in which to submit further evidence in support of his application for identification of himself and minor children as Mississippi Choctaws and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Commissioner in Charge.

M C R 7108

Muskegee, Indian Territory, March 17, 1904.

Green Reynolds,  
Georgetown, Illinois.

Dear Sir:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which the application made by you for the identification as Mississippi Choctaws of yourself and your two minor children, John C. and Annie A. Reynolds, was made a part, refusing said application.

You are further advised that notice of such decision has been furnished your attorney of record, H. B. Williams, Craig, Missouri; that the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted to the Secretary of the Interior with such brief and argument as may be submitted by the applicants and their attorneys.

Respectfully,

Registered

Commissioner in Charge.

M.C.R.-7108.

Muskogee, Indian Territory, June 26, 1905.

Green Reynolds,  
Georgetown, Illinois.

Dear Sir:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 17th day of March, 1904.

Respectfully,

Chairman.



7108

No. 7108

## FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Name <sup>Date</sup> Green Reynolds.  
 Age 40 Blood Don't know  
 Post Office, Georgetown, Ill.  
 Father: John Reynolds, D. L.  
 Mother: Lydia " L.

Claims through mother  
 wife Lizzie L Reynolds L  
 (No claim for her,

## Children:

John C. Reynolds 14  
 Annie A " 3.

(Claims for self - 3  
 minor children)

Stenographer

R. H. Eisenberg

Green Reynolds, et al

DECISION RENDERED.

MAR 4 1904

NOTICE OF DECISION FORWARDED  
ATTORNEY GENERAL AND  
CHICKASAW NATIONS

MAR 4 1904

NOTICE OF DECISION MAILED

MAR 10 1904

NOTICE OF DECISION FORWARDED  
ATTORNEY FOR APPLICANTS.

MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED BY  
SECRETARY OF INTERIOR.

MAR

NOTICE OF DEPARTMENT  
FORWARDED ATTORNEY

JUN 10

NOTICE OF DEPARTMENTAL  
ACTION MAILED APPLICANT.

NOTICE OF DEPARTMENTAL  
FORWARDED ATTORNEY GENERAL  
AND CHICKASAW NATIONS.

WHEATON M. O. R. 5670.

Choctaw MCR 7109

Darinda Freeman

MCR 7109

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---0---

In the matter of the application of Darinda Freeman, et al.,  
for identification as Mississippi Choctaws, M.C.R. 7109.

List of papers forwarded to the Secretary of the Interior  
comprising the record in the above case.

	(Page)
Original application of Darinda Freeman, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Decision of the Commission refusing the ap- plication of Darinda Freeman, et al., for iden- tification as Mississippi Choctaws-----	6

---0---

#7109.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T., March 18, 1903.

In the matter of the application of Darinda Freeman for the identification of herself and minor child, Robert Freeman, as Mississippi Choctaws.

Darinda Freeman, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Darinda Freeman.  
Q What is your age? A 18.  
Q What is your post office address? A ElRene, Oklahoma.  
Q How long have you lived there? A About 3 years.  
Q Where did you live before that? A Why I lived here in Oklahoma for nine years, and lived down at South Canadian until about three years ago.  
Q Where were you born? A In the Choctaw Nation.  
Q You lived in Indian Territory continuously from the time you were born until you went to Oklahoma? A Yes.  
Q What is your father's name? A William Quigle.  
Q Is he living? A Yes, sir.  
Q What is your mother's name? A Mary Quigle.  
Q Is she living? A No.  
Q Through which one of your parents do you claim your Choctaw blood? A My mother.  
Q How much Choctaw blood do you claim? A One-fourth.  
Q Has your mother, through whom you claim the right to identification as a Mississippi Choctaw, ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States? A No, sir.  
Q Through which one of her parents does your mother derive her Choctaw blood? A Her mother.  
Q What was her name? A Her maiden name was Smith.  
Q What was her blood? A Her mother was a full blood.  
Q What was your mother's father's name? A John Smith.  
Q Was he a white man? A Yes.  
Q He claimed no Choctaw blood? A No.  
Q And you don't know the given name of your grandmother? A No. I think it was Libbie Smith.  
Q How old would your mother be if now living? A About 30.  
Q She would be older than that? A No, she was married young.  
Q Is Libbie Smith living now? A No.  
Q How old would she be if living? A I don't know.  
Q Do you know the names of your grandmother's parents? A No.  
Q You are not able to trace your ancestry any further back than Libbie Smith? A No.  
Q Are you married? A Yes, sir.

Darinda Freeman -----2.

- Q What is your husband's name? A John Freeman.  
Q Is he a white man? A Yes, sir.  
Q He claims no Choctaw blood? A No.  
Q You make no claim for him? A No.  
Q Is he living? A Yes.  
Q Have you any minor children for whom you wish to make application? A Yes, one boy.  
Q What is his name? A Robert.  
Q How old is he? A One years old.  
Q Are you the mother of Robert? A Yes.  
Q And John Freeman is the father? A Yes.  
Q This child claims through you? A Yes.  
Q This application then is for yourself and minor child? A Yes.  
Q Is your name or is the name of this minor child to be found on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.  
Q Did you, or did any one for you, ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as a member of that tribe of Indians? A No.  
Q Did you, or did any one for you, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No, sir; my mother made application before she died for her money and she got her money.  
Q When was that? A I don't know just when it was, but it was before she married my father; she got her state; her state was in North Carolina.  
Q Did she get her estate from the United States government as a Choctaw Indian, and was that estate in North Carolina? A Yes, sir.  
Q Did your mother live in North Carolina? A Her great-grandparents lived there on her mother's side.  
Q Don't you know that the Choctaw Indians lived in Mississippi and Alabama instead of North Carolina? A Yes, I knew the Choctaws did, but her folks lived there.  
Q Is this the first application of any description that you have ever made for citizenship in the Choctaw Nation? A Yes.  
Q You appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the provisions of article fourteen of the treaty of 1830? A Yes, sir.  
Q Do you understand that article? A Yes, sir.

Article fourteen reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months after the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of

Darinda Freeman -----3.

the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Is that the provision of law under which you are claiming the right to identification as a Mississippi Choctaw? A Yes.
- Q What is the name of your Choctaw ancestor through whom you claim the right to identification as such? A I don't know.
- Q Did any of your Choctaw ancestors comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A I don't know.
- Q Were any of your Choctaw ancestors living in Mississippi or Alabama in the year 1830 when this treaty was made? A No, sir.
- Q Were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians at that time? A No, sir.
- Q Did any of your Choctaw ancestors own an improvement at that time in what constituted the old Choctaw Nation in Mississippi? A No, sir.
- Q Did any of your Choctaw ancestors remove from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, at the time of the removal of the greater portion of the Choctaw ~~xxxxxx~~ Indians between the years 1833 and 1838? A No, sir.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 signify to the Agent in Mississippi at that time their intention to remain in the old Choctaw Nation, take land there and become citizens of the states? A No, sir.
- Q Did any of your Choctaw ancestors ever receive or claim any land from the government of the United States under the provisions of article fourteen of the treaty of 1830? A No, sir.

In accordance with the provisions of article fourteen of the treaty of 1830 the government directed an agent in Mississippi at that time to register the names of all those Choctaws who might desire to remain in Mississippi and comply with the provisions of that article. The records of the government show that this Agent failed to register and report the names of a great many Choctaws who really did signify to him their intention to remain in the old Choctaw Nation, take land there and become citizens of the states. On this account, in many instances, the lands on which these Indians lived and had improvements and which they desired to have reserved for them, were sold by the government at its public land sales. This caused much complaint among the Choctaws and the matter was finally brought to the attention of Congress, and Congress, by acts passed March 3, 1837 and August 23, 1842, appointed Commissions whose duty it was to go to Mississippi and investigate these claims.

- Q Did any of your Choctaw ancestors appear before either of these Commissions appointed in 1837 or in 1842 and attempt to establish their rights under the provisions of article fourteen of the treaty of 1830? A No, sir.

Darinda Freeman -----4.

The act of Congress approved August 23, 1842, provided, that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article fourteen of the treaty of 1830, but that his land had been sold by the government, he should be entitled to select land elsewhere in the states of Mississippi, Alabama, Louisiana, or Arkansas, to be taken from vacant government land, and that a certificate to that effect should be given him. These certificates were called scrip.

- Q Did any of your Choctaw ancestors ever receive any such scrip from the government under that act of Congress? A No.
- Q So far as you know did any of your Choctaw ancestors ever receive benefits from the United States government as Choctaw Indians? A No.
- Q Have you any witnesses? A No.
- Q Have you any documentary evidence? A No.
- Q You stated that you claim your Choctaw blood through your mother, Mary Quigle, and that her maiden name was Smith. What was your mother's mother's maiden name? A Why before she was married her name was Libbie McCurtain. She married a Blackburn, and then married a Smith--that is my mother's father. Then my mother married Quigle.
- Q Where was Libbie born? A In the Choctaw Nation.
- Q Did she always live in the Choctaw Nation? A Yes, sir.
- Q Do you know what the names of her parents were? A No.
- Q What was the name of Libbie McCurtain's father? A Green McCurtain.
- Q Is Green McCurtain living? A No, sir.
- Q Do you know how long he has been dead? A He has been dead ever since she was a little girl.
- Q Do you know the name of Libbie McCurtain's mother? A No.
- Q Green McCurtain and his wife were both full blood Choctaws were they? A Yes, sir.
- Q Do you know where they were born--Green and his wife? A His wife was born in the Choctaw Nation, but I don't know where he was born.
- Q Do you know when they were married? A No, sir.
- Q You are not able to trace your ancestry any further back? A No.
- Q Do you speak or understand the Choctaw language? A I understand some of it.
- Q Do you speak any of it? A Some of it.
- Q Well let us hear you speak a few words? A I can speak a few words but I have forgotten.
- Q None of your relatives have appeared before the Commission prior to this time to make application? A No.

This applicant has the appearance of being a white person; dark complexion, brown hair, dark eyes; might possibly be possessed of some Indian blood; has no knowledge of any compliance on the part of her Choctaw ancestors with the provisions of article fourteen of the treaty of 1830.



Darinda Freeman -----5

R. B. Eisenberg, being first duly sworn, states on his oath that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on the 18th day of March, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings had on said date.

*R. B. Eisenberg*

Subscribed and sworn to before me this 18th day of May, 1903.

*Charles H. Sawyer*  
Notary Public.

off

COPY:

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---0---

In the matter of the application of Darinda Freeman, et al.,  
for identification as Mississippi Choctaws, M.C.R. 7109.

---: D E C I S I O N :---

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Darinda Freeman for herself and her minor child, Robert Freeman, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 498):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that both of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants

of Green McCurtain, who is alleged to have been a full-blood Choctaw Indian.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that neither of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of article fourteen of the treaty of eighteen Hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Green McCurtain, or an ancestor less remote signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842, (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Darinda Freeman and Robert Freeman, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen.

of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tams Bixby.  
Chairman.

(SIGNED)

T. B. Needles.  
COMMISSIONER,

(SIGNED)

C. R. Freckinridge.  
COMMISSIONER,

(SIGNED)

W. E. Stanley.  
COMMISSIONER,

Muskogee, Indian Territory,

AUG 6 1903

Muskogee, Indian Territory, March 28, 1903.

Mrs. Dirinda Freeman,  
#419 North Choctaw Avenue,  
El Reno, Oklahoma Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 21st instant, in which you ask "If I have an affidavit sworn out here for my identity and mother having land will it do for me to send them to you or will I have to come in person? Where do I have to go to file?"

In reply to your letter you are informed that it appears from the records of the Commission that you made application for the identification of yourself and minor child as Mississippi Choctaws. The Commission has not yet reached any opinion or decision relative to your right to such identification. As soon as a decision is rendered you will be duly notified of the action of the Commission and of the forwarding of the record to the Secretary of the Interior.

The Commission requires of applicants for identification as Mississippi Choctaws that they not only show that they are possessed of Choctaw blood but that they must also show that they are descendants of Choctaw ancestors who resided in the old Cho-

Mrs D F 2

taw Nation in the states of Mississippi and Alabama in 1830, and that such ancestors complied with the provisions of article fourteen of the Choctaw treaty of 1830, or subsequently had their claims arising thereunder adjudicated by either of the two Commissions authorized for this purpose by the acts of Congress approved March 3, 1837 and August 23, 1842.

You are further advised that the Commission is averse to the acceptance of ex parte affidavits offered in support of applications for identification as Mississippi Choctaws, but prefers, whenever possible, to have the personal appearance of witnesses for examination under oath. However, if your witnesses are incapacitated from making personal appearance on account of old age or infirmity or are non-residents of Indian Territory, their depositions may be considered when taken in conformity with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, a copy of which rules and regulations is herewith enclosed you.

On Wednesday, April 15, 1903, the Commission will establish, at Atoka in the Choctaw Nation and at Tishomingo in the Chickasaw Nation, offices for the allotment of the lands of the Choctaw and Chickasaw Nations. However, it is not believed that

Mrs D F 3

you are at the present time in any manner entitled to possessory rights of the tribal property of the Choctaw and Chickasaw Nations.

Respectfully,

Chairman.

R & R Dep.



M C R 7109

Muskogee, Indian Territory, April 11, 1903.

Mrs. Dirinda Freeman,

El Reno, Oklahoma Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 8th instant, relative to offering the testimony of witnesses in support of your claim for identification as a Mississippi Choctaw.

In reply you are informed that the Commission cannot offer you any further advise on this subject than that contained in its letter to you dated March 28, 1903.

Respectfully,

Chairman.

Muskogee, Indian Territory, April 11, 1903.

Wm. F. Quigle,  
Hydro, Oklahoma Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 8th instant, in which you state "I am the father of Derinda Freeman who has applied for identification as a Choctaw Indian," and ask "Please let me know if I will have to appear before the Commission to testify at Muskogee, or can I meet the Commission at Atoka or Tishomingo."

In reply you are informed that if it is your desire to offer testimony in support of the application made by Derinda Freeman for the identification of herself and minor child as Mississippi Choctaws, such testimony will be heard at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory.

Respectfully,

Chairman.

M C R 7109

Muskogee, Indian Territory, April 23, 1903.

Mrs. Dirinda Freeman,  
#419 North Choctaw Avenue,  
El Reno, Oklahoma Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 17th instant, in which you state "I would like to know when my time expires for filing at Ateka."

In reply you are informed that it appears from our records that you made application to this Commission for the identification of yourself and minor child as Mississippi Choctaws. Up to the present time the Commission has not rendered any decision as to your right to such identification. As soon as a decision is rendered you will be duly notified of the action of the Commission and of the forwarding of the record to the Secretary of the Interior.

As advised in our letter to you, dated March 25, 1903, it is not believed that you are at the present time in any manner entitled to possessory rights of the tribal property of the Choctaw and Chickasaw Nations.

Respectfully,

Chairman.

COPY.

Muskogee, Indian Territory, August 6, 1903.

Darinda Freeman,

El Reno, Oklahoma.

Dear Madam:

You are hereby advised that on the 6th day of August, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Darinda Freeman, et al., applicants for identification as Mississippi Choctaws:

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witness and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Darinda Freeman and Robert Freeman, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that their application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this

office, and that at the expiration of that time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*T. B. Needles.*  
Commissioner in Charge.

Register

M. C. R. 7109

COPY.

Muskogee, Indian Territory, August 6, 1903.

Mansfield, McMurray and Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 6th day of August, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Darinda Freeman, et al., applicants for identification as Mississippi Choctaws:

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stat., 498).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Darinda Freeman and Robert Freeman, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*T. B. Needles.*  
Commissioner in Charge.

No. 260.

# THE WESTERN UNION TELEGRAPH COMPANY.

INCORPORATED

21,000 OFFICES IN AMERICA. CABLE SERVICE TO ALL THE WORLD.

ROBERT C. CLOWRY, President and General Manager.

Receiver's No.

Time Filled

Check  
Collect.

**SEND** the following message subject to the terms  
on back hereof, which are hereby agreed to.

Muskogee, Indian Territory, August 18, 1903.

Goodwin & Vaid,

El Reno, Oklahoma,

Referring Darinder Freeman application, fifteen days in Mississippi  
Choctaw cases granted under specific departmental instructions and  
cannot be extended. Full particulars by mail.

Needles,

Commissioner in Charge.

O.B.C.R.

17 READ THE NOTICE AND AGREEMENT ON BACK. 51



COPY.

Muskogee, Indian Territory, August 22, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Derinda Freeman, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of August 21, 1903.

The Commission has the honor to report that the principal applicant herein, and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED)

*T. B. Needles.*

Commissioner in Charge.

Through the  
Commissioner of Indian Affairs.  
M C R 7109 2 Enc.

( COPY )

D.C. 6471

W.C.F.

I.T.D. 1116-1904.

FHE

L.R.S.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

February 24, 1904.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

August 22, 1903, you transmitted the record in the case involving the application for identification as Mississippi Choctaws of Darinda Freeman, for herself and her minor child, Robert Freeman, including your decision of August 6, 1903, refusing to identify them as such.

The applicants claim rights to Choctaw lands under article 14 of the Choctaw treaty of 1830, by reason of being descendants of Green McCurtain, and his wife, (name not given), great grandparents of the principal applicant, it being alleged that said ancestors were full blood Choctaw Indians.

The evidence as furnished by the record, as well as the evidence contained in the records of the Indian Office, fails to show that said ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of 1830, or with the subsequent acts of Congress relating thereto.

Reporting in the matter February 6, 1904, the Acting

-2-

Commissioner of Indian Affairs recommends that your decision rejecting the applicants be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Thos. Ryan,

Acting Secretary.

1 inclosure.

( C O P Y )

LAND.  
55452-1903.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, February 6, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to the record of the Commission to the Five Civilized Tribes, in the matter of the application of Darinda Freeman for the identification of herself and her minor child Robert as Mississippi Choctaws, wherein a decision rejecting the applicants was rendered by the Commission on August 6, 1903.

The record in this case shows that the applicants base their claim to a right to identification on their descent from Green McCurtain, who is alleged to have been a Choctaw Indian.

Darinda Freeman, who is the witness in the case is unable to give any details with reference to Green McCurtain, his compliance with the provisions of the 14th article of the Choctaw treaty, or his ownership of land in the Nation. She does state that her Choctaw ancestors were not living in Mississippi or Alabama in 1830 and they did not own any improvements there at that time. This office has no record of any person of the name of Green McCurtain who was a member of the Choctaw tribe of Indians in 1830.

Daniel McCurtain was a member of the tribe and was a reservee under the provisions of the treaty, but not the 14th article. The only Green McCurtain this office has ever had any knowledge of is the present Principal Chief of the Choctaw Nation and he was named after Greenwood LeFlore, the most conspicuous chief in the Choctaw Nation in 1830. The applicants having failed to show descent from a beneficiary under the 14th article of the Choctaw treaty, I am of opinion that the decision of the Commission rejecting them should be approved and so recommend.

Very respectfully,

(Signed) A. C. Tonner,  
Acting Commissioner.

EBH:IM

M.C.R.7109

Muskogee, Indian Territory, March 11, 1904.

Darinda Freeman,

#419 North Choctaw Avenue,

El Reno, Oklahoma.

Dear Madam:

You are hereby notified that on the 24th day of February, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application of Darinda Freeman, et al., for identification as Mississippi Choctaws, of which decision you were advised by registered mail on the 6th day of August, 1903.

Respectfully,

SIGNED

*J. B. Needles*

Commissioner in Charge.

COPY:

M.C.R.7109

Muskogee, Indian Territory, March 11, 1904.

Goodwin & Reid,

El Reno, Oklahoma.

Gentlemen:

You are hereby notified that on the 24th day of February, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application of Darinda Freeman, et al., for identification as Mississippi Choctaws.

Respectfully,

(SIGNED)

*T. D. Needles.*

Commissioner in Charge.



COPY.

K.C.R.7109

Muskogee, Indian Territory, March 11, 1904.

Mansfield, McMurray & Cornish,

~~Attorneys for the Choctaw and Chickasaw Nations,~~

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 24th day of February, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application of Darinda Freeman, et al., for identification as Mississippi Choctaws, of which decision you were notified by mail on the 6th day of August, 1903.

Respectfully,

(SIGNED)

*T. E. Needles.*

Commissioner in Charge.

7109

No. 7109

## FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Name *Darinda Freeman*  
Age *18* Blood *1/4*  
Post Office, *El Reno, Okla*  
Father: *William Quigle L.*  
Mother: *Mary " D.*  
Claims through *mother*  
*Husband, John Freeman L*  
*(No claim for him)*

Children:

*Robert Freeman. 1**(claim for self - one minor child)*

Stenographer

*R. B. Eisenberg*

W.  
eman.

ACTION REQUESTED BY  
SECRETARY OF DEFENSE

CONFIDENTIAL  
ACTION MAIL AFFILIANT

1904

CONFIDENTIAL ACTION  
FORWARD TO THE SECRETARY OF DEFENSE  
AND OTHER AGENCIES.

Choctaw MCR 7110

John H. Cowperthwait

MCR 7110

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, Indian Territory.  
March 19, 1903.

In the matter of the application of John H. Cowperthwait  
for the identification of himself as a Mississippi Choctaw.

Thomas & Harrison, Attorneys for the applicant.

John H. Cowperthwait being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A John H. Cowperthwait.
- Q What is your age? A Twenty-eight years.
- Q What is your postoffice address? A Steinauer, Nebraska.
- Q How long have you lived there? A I have just moved down there this spring.
- Q Where did you live before that? A I lived at Lewiston, Neb.
- Q Where were you born? A Nebraska.
- Q Have you always lived in that State? A All except about three years.
- Q Where did you live then? A In Kansas.
- Q When was that? A That was when I was small, between five and eight years old.
- Q Is your father living? A Yes sir.
- Q Is your mother living? A No sir.
- Q What is your father's name? A Samuel J. Cowperthwait.
- Q What was your mother's name? A Rachel Matilda Cowperthwait.
- Q Do you claim through your father or your mother? A Mother.
- Q How much Choctaw blood do you claim? A One-thirty-second.
- Q Do you claim your mother was one-sixteenth? A Yes sir.
- Q Has she ever been recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or by the United States authorities in Indian Territory? A Not that I know of.
- Q Are you married? A Yes sir.
- Q Is your wife living? A Yes sir.
- Q What is her race? A White race.
- Q Do you make any claim for her? A No sir.
- Q What is her name? A Lena.
- Q Have you children? A No sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A I think not.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory?
- A No sir.
- Q Have you ever made any such application to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.

- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court for Indian Territory? A No sir.
- Q Do you come before the Commission now to be identified as a Mississippi Choctaw? A Yes sir.
- Q Do you claim under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article? A Yes sir.

The article then without an explanation is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with article fourteen of that treaty? A Only from hearsay.
- Q What is the name of the ancestor through whom you claim? A Alabeath Freeman.
- Q What was her husband's name? A Aaron Freeman.
- Q Was her maiden name Alabeath Ball? A Yes sir.
- Q How much Choctaw blood did she have? A One-half blood.
- Q What relation to you is she? A Great-great-grandmother.
- Q Did your great-great-grandmother, Alabeath Freeman, live in Mississippi and Alabama in 1830 in what was known as the old Choctaw Nation, and have a family living at that time? A I don't know.
- Q Did she go to Colonel Ward, the United States Indian Agent, within six months after the treaty of 1830 was ratified and register, or attempt to register under article fourteen of the treaty of 1830? A I have been told she did.
- Q By whom were you told this? A By my relations.
- Q Tell whom? A By my uncles and aunts.
- Q Did any of your Choctaw ancestors live on land in the old Choctaw Nation for five years after the treaty of 1830 was ratified and then receive a patent from the government for that land? A I don't know.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi River to the Choctaw Nation, Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A I don't know.

- Q Did any of them own an improvement on land in the old Choctaw Nation in 1830? A I don't know.
- Q Did any of your Choctaw ancestors go before a commission in 1837 or before a commission in 1842 and claim any benefits as Choctaw Indians under article fourteen of the treaty of 1830? A I don't know.

These commissions were appointed, one by an act of Congress approved March 3, 1837 and the other by an act of Congress approved August 23, 1842, for the purpose of hearing Choctaw Indian claimants who had tried to register under article fourteen of the treaty of 1830, but because Colonel William Ward, the United States Indian Agent, had refused to register them or allow them to register, the government afterwards took their lands from them, which lands were located in the old Choctaw Nation, and sold such lands with the improvements thereon at its public land sales.

- Q Did you ever hear that any of your Choctaw ancestors received any scrip or certificates from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A No sir.

This scrip was issued to Choctaw Indians who proved their rights under article fourteen of the treaty of 1830, and also proved that their land had been taken from them by agents of the government and sold at its public land sales.

- Q Do you understand or speak the Choctaw language? A No sir.
- Q Have you any relatives who have been before this Commission to be identified as Mississippi Choctaws? A Yes sir.
- Q You say some of your relatives have been here. Is John H. Bennight one of them? A Yes sir.
- Q What relation is he to you? A A cousin of my mother's.
- Q Do you want to have your case considered under his application? A Yes sir.

Case of John H. Bennight, 6255, is referred to for the purpose of consolidation.

- Q Is John F. Turnbull a relative of yours? A I don't know.
- Q Have you ever heard of John F. Turnbull; a person of that name married into the family of some of your relations? A Yes sir.
- Q Does he claim through Alabeath Ball? A Yes sir.

Case of John F. Turnbull, et al., M.O.R. 6599, is referred to.

- Q Have you any documentary proof with you that you would like to present now? A No sir.

Thirty days time is allowed this applicant in which to introduce other evidence in this case if he wishes to present it.



Examination by Mr. Harrison, Attorney for applicant.

- Q. What information you have to the effect that you are a descendant of Alabeath Freeman is derived from various conversations with different members of your family, and from family history and tradition, is it not? A Yes sir.
- Q. Is it not a fact that you have not been associated with John H. Bennight and John P. Turnbull, and it is for this reason you know so little about them? A Yes sir.

By the Commission:

This applicant appears to be descended from white parentage. He has brown hair, blue eyes, medium light complexion, ruddy. He has no knowledge of the Choctaw language.

Beryl Ingram being duly sworn upon her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all the proceedings had in the above entitled cause on the 19th day of March, 1903; and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

*Beryl Ingram*

Subscribed and sworn to before me this 26 day of March, 1903.

*Charles H. Sawyer*

Notary Public.

M C/R  
7270-7110-6272  
7261-7271

Muskogee, Indian Territory, April 6, 1903.

Thomas & Harrison,  
Attorneys at Law,  
Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 1st instant, enclosing certified copy of marriage record between John H. Cowperthwaite and Lena McConnell; also affidavit of Samuel J. Cowperthwaite and joint affidavit of J. W. Minor and Alice Minor to the marriage of Samuel J. Cowperthwaite and Rachel Matilda Howard, offered in support of Mississippi Choctaw case, No. 7110, John H. Cowperthwaite.

Also certified copy of marriage record between Schuyler C. Fleming and Dora Harper offered in support of Mississippi Choctaw case No. 6272, Dora Fleming, et al; certified copy of marriage record between Lewis W. Drolte and Lucy Edmunds offered in support of Mississippi Choctaw case No. 7261, Lewis W. Drolte, et al; certificate of marriage between George F. Cadwell and Kate B. Harper offered in support of Mississippi Choctaw case No. 7271, Katie B. Cadwell, et al; certified copy of marriage record between Ralph W. Putnam and Mamie McClintock offered in support of Mississippi Choctaw

T & H 2

tax case No. 7270, Mary Putnam, et al.

The same have been filed with the record in these respective cases.

Respectfully,

Commissioner in Charge.

COPY.

M. O. R. 7110.

Muskogee, Indian Territory, June 15, 1904.

John H. Cowperthwait,  
Stainauer, Nebraska,

Dear Sir:-

You are hereby notified that the Commission to the Five Civilized Tribes, on June 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John H. Bennight et al., including you.

You are further notified that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

C. W. R.

Tamm Dickey

Chairman

Registered.

M.C.R. 7110.

Muskogee, Indian Territory, May 8, 1905.

John H. Cowperthwait,  
Steinauer, Nebraska.

Dear Sir:

You are hereby notified that on the 21st day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Cheetaws, of the several persons included in the consolidated case of John H. Bennight et al., of which decision you were advised by registered mail on the 15th day of June, 1904.

Respectfully,

Commissioner in Charge.

7110

No. 7110

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 1 1903

Name John H. Cooperthwait

Age 28 - Blood 1/32

Post Office, Steinauer, Neb.

Father: Samuel J. " b

Mother: Rachel M. " d

Claims through Mother 1/16

wife.

Lena " S.W.

No claim for wife

Children:

Claims for self

Stenographer Beryl Ingram.

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.

*John H. Cowperthwaite*

DECISION RENDERED

JUN 15 1904

**REFUSE**

NOTICE OF DECISION FORWARDED  
APPLICANT

NOTICE OF DECISION  
FORWARDED ATTORNEY  
FOR APPLICANTS.

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

JUN 15 1904

RECORD FORWARDED DEPARTMENT

AUG 16 1904

ACTION APPROVED BY  
SECRETARY OF INTERIOR.

APR 21 1905

NOTICE OF DEPARTMENTAL  
ACTION MAILED APPLICANT.

MAY - 8 1905

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT.

MAY - 8 1905

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

MAY - 8 1905

REFER TO M. C. R.

6255



Choctaw MCR 7111

May M. Crawford

MCR 7111

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, Indian Territory.  
March 19, 1903.

In the matter of the application of May M. Crawford for the identification of herself and minor child, Alvin Glen Crawford, as Mississippi Choctaws.

Thomas & Harrison, Attorneys for applicant.

May M. Crawford being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A May M. Crawford.  
Q What is your age? A Thirty.  
Q What is your postoffice address? A Steinauer, Nebraska.  
Q How long have you lived there? A One year.  
Q Where did you live before that? A Auburn, Nebraska.  
Q Have you always lived in Nebraska? A Most of the time.  
Q When did you live out of that state, and where? A Lived in Kansas when I was small about two or three years.  
Q Is your father living? A Yes sir.  
Q Is your mother living? A No sir.  
Q What is your father's name? A Samuel J. Cowperthwait.  
Q What was your mother's name? A Rachel Matilda Cowperthwait.  
Q Do you claim your Choctaw blood through your mother? A Yes sir.  
Q How much do you claim? A One thirty-second.  
Q Do you claim your mother is one-sixteenth Choctaw? A Yes sir.  
Q Is your husband living? A Yes sir.  
Q What is his name? A David B. Crawford.  
Q What is his race? A White.  
Q Do you make any claim for him? A No sir.  
Q You have a child? A One.  
Q What is the name of that child? A Alvin Glen Crawford.  
Q How old is he? A Six, or will be in April.  
Q Five now? A Yes sir.  
Q You claim for yourself and this child? A Yes sir.  
Q Is your husband, David B. Crawford, the father of Alvin Glen Crawford? A Yes sir.  
Q Are you and he living together as husband and wife, and is this child living at your home? A Yes sir.  
Q Is your name or the name of this child on the tribal rolls of the Choctaw Nation, Indian Territory? A No sir.  
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities of the Indian Territory?  
A No sir.  
Q Have you ever made application to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896?  
A No sir.

- Q Have you or this child ever been admitted to citizenship in the Choctaw Nation by either the Commission to the Five Civilized Tribes, the United States Court in Indian Territory or the Choctaw tribal authorities? A No sir.
- Q Do you come before the Commission now to identify yourself and this child as Mississippi Choctaws? A Yes sir.
- Q Do you claim the right to identification under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article? A I do.

The article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with the provisions of that article? A I do.
- Q What is the name of the ancestor that you claim through that you think did comply? A Alabeath Freeman.
- Q Her maiden name was Ball? A It was.
- Q She married whom, Aaron Freeman? A Yes sir.
- Q How much Choctaw blood did Alabeath Freeman have? A One-half.
- Q Was she your great-great-grandmother? A Yes sir.
- Q Do you claim your Choctaw blood from your mother, Rachel Matilda Cowperthwait? A Yes sir.
- Q And she claimed through whom, her father or mother? A Her mother.
- Q What was her mother's name? A Howard.
- Q What was her full name? A Winnie Howard.
- Q That was your grandmother? A Yes sir.
- Q Now there is a great-grandmother that you claim from, was she the mother of Winnie Howard? A Yes sir.
- Q Was that Alabeath Freeman? A Wood.
- Q What was the full name? A Sarah Wood.
- Q Your great-grandmother? A Yes sir.
- Q And she claimed from whom? A Her mother.
- Q Her mother's name is what? A Alabeath Ball.
- Q Who married Aaron Freeman? A Yes sir.
- Q Now did any of these Choctaw ancestors whose names you have mentioned in a direct line from you back to Alabeath Freeman ever live in Mississippi or Alabama? A I don't know.

- Q Can you give the name of any Choctaw ancestor who lived in that old Choctaw Nation either in Mississippi or Alabama for five years, and then received a patent from the government for land upon which they lived? A I don't know.
- Q Can you give the name of any one of them who lived there in 1830 and had a family living there at that time? A Alabeath Ball did, so far as I know.
- Q Do you now recall that your great-great-grandmother, Alabeath Freeman, nee Ball, was a resident of the old Choctaw Nation in 1830 and had a family there then? A She lived in Mississippi in 1830, yes sir.
- Q You know that she lived there when that treaty was made? A So far as I know, she did.
- Q Is that a matter of family history and tradition? A Yes sir.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi River to the Choctaw Nation, Indian Territory, at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A Not that I know of.
- Q Did any of your Choctaw ancestors go before Colonel William Ward, the United States Indian Agent, within six months after the ratification of the treaty of 1830 and register or attempt to register under article fourteen of that treaty? A Alabeath Ball went but did not get to register.
- Q Do you know why? A Because she was turned away; the fellow was drunk.
- Q When did she go, do you know? A I do not.
- Q Did any of your Choctaw ancestors own an improvement on land in the old Choctaw Nation in 1830? A No sir.
- Q Now when did she live in Mississippi and where in Mississippi did she live? A I do not know.
- Q Where was she born? A I don't know that.
- Q Where did she die? A I cannot tell you.
- Q Where did she live at any time in her life? A In Mississippi is all I know.
- Q Did she go before the commission in 1837 or before another commission in 1842 and claim any rights under article fourteen of the treaty of 1830? A She did not that I know of.

These commissions were appointed, one by an act of Congress approved March 3, 1837, and the other by an act of Congress approved August 23, 1842 for the purpose of going to Mississippi and hearing Choctaw Indian claimants; these Indians who had tried to register under article fourteen within six months from the ratification of the treaty, but whose right to register was not acknowledged by Colonel Ward; and as they were not allowed to register by this agent, Ward, their lands were afterwards taken from them by the government and sold at its public land sales. This land was located in the old Choctaw Nation and had improvements upon most of it. Both were taken and sold by the government.

- Q Do you know if any of your Choctaw ancestors received any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A I don't know.

This scrip was issued under an act of Congress approved August 23, 1842, and was given to Choctaw Indians who proved

4

their rights under article fourteen of the treaty of 1830, and also proved that their lands in the old Choctaw Nation had been taken from them by the government and sold at its public land sales.

Q Is John F. Cowperthwait who made application today your brother?

A He is.

Q What relation is John H. Bennight to you? A A cousin of my mother.

Q Do you want your case considered under his application? A I do.

Case of John H. Bennight, M.C.R. 6255, is referred to for the purpose of consolidation.

Q Is John F. Turnbull also a relative of yours? A By marriage.

Q Is he a claimant before the Commission as a Mississippi Choctaw claiming through Alabeath Freeman? A Yes sir.

Case of John F. Turnbull, et al., M.C.R. 6522, is also referred to.

This applicant is allowed thirty days' time from the date hereof in which to introduce other proof in this case.

Q Do you understand or speak the Choctaw language? A I do not.

Examination by Mr. Harrison, Attorney for applicant.

Q When you say you know that Alabeath Freeman complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830, did you intend to speak from personal knowledge or did you intend to speak from a knowledge derived from conversation with the various members of your family, and family history and tradition? A From hearsay from relations.

Q From what you have heard from your relations? A Yes sir.

Q And not from any positive knowledge on your part? A No sir.

By the Commission:

This applicant appears to be descended from white parentage. She has brown hair, blue eyes, light complexion. She has no knowledge of the Choctaw language, and no knowledge of any act of compliance upon the part of her ancestors with the provisions of article fourteen of the treaty of 1830.

Beryl Ingram being duly sworn upon her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all the proceedings had in the above entitled cause on the 19th day of March, 1903; and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Subscribed and sworn to before me this 26 day of March, 1903.

*Charles H. Sawyer*

Notary Public.

COPY. M. C. R. 7111.

Muskegee, Indian Territory, June 15, 1904.

May M. Crawford,  
Steinauer, Nebraska,

Dear Madam:

You are hereby notified that the Commission to the five Civilized Tribes, on June 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John H. Bennight et al., including you and your minor child, Alvin Glen Crawford.

You are further notified that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*James Bixby.*

*Chairman.*

Registered.

M.C.R. 7111

Muskogee, Indian Territory, May 8, 1905.

May M. Crawford,  
Steinauer, Nebraska.

Dear Madam:

You are hereby notified that on the 21st day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John H. Bennight et al., of which decision you were advised by registered mail on the 15th day of June, 1904.

Respectfully,

Commissioner in Charge.



7111

No.

7111

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 19 1903

Name May M. Crawford

Age

39

Blood

 $\frac{1}{2}$ 

Post Office,

Steinamer, Neb.

Father:

Samuel J. Cowpethwaite.

Mother:

Reche M. Cowpethwaite, d.

Claims through

Machin  $\frac{1}{16}$ 

Husband

David B. Crawford. l. 10.

No claim for husband

Children:

Alvin G. Crawford. 5.

6 claim for self &  
own child.

Stenographer

Beryl E. Ingram

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.

*May M. Crawford, et*

DECISION RENDERED

JUN 15 1904

REF 03

**NOTICE OF DECISION FORWARDED  
APPLICANT**

NOTICE OF DECISION  
FORWARDED ATTORNEY  
FOR APPLICANTS.

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

JUN 15 1904

**RECORD FORWARDED DEPARTMENT.**

AUG 16 1904

**ACTION APPROVED BY  
SECRETARY OF INTERIOR.**

APR 21 1905

NOTICE OF DEPARTMENTAL  
ACTION MAILED APPLICANT.

MAY - 8 1905

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT.

MAY - 8 1905

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

6255

Choctaw MCR 7112

Pearl M. McBride

MCR 7112

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, Indian Territory.  
March 19, 1903.

In the matter of the application of Pearl M. McBride for the identification of herself as a Mississippi Choctaw.

Thomas & Harrison, Attorneys for the applicant.

Pearl M. McBride being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Pearl M. McBride.  
Q What is your age? A Eighteen.  
Q What is your postoffice address? A Liberty, Nebraska.  
Q Have you always lived in Nebraska? A No sir, lived in Kansas five years.  
Q What time was that? A That was when I was a child.  
Q When you were very young? A Yes sir.  
Q And ever since then you have been in Nebraska and were born in Nebraska? A I was born in Kansas.  
Q Is your father living? A Yes sir.  
Q Is your mother living? A No sir.  
Q What is your father's name? A William J. Howard.  
Q What was your mother's name? A Her maiden name?  
Q No. A Mary E. Howard.  
Q Through which parent do you claim Choctaw blood? A My father.  
Q How much do you claim? A One-thirty-second.  
Q You claim your father is one-sixteenth Choctaw? A Yes sir.  
Q Has he ever been recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or by the United States authorities? A Not that I know of.  
Q What is your husband's name? A Fred McBride.  
Q He is living? A Yes sir.  
Q What is his race? A White.  
Q Do you make any claim for him? A No sir.  
Q You claim for yourself alone, do you? A Yes sir.  
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A Not that I know of.  
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory?  
A No sir.  
Q Have you ever made any such application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.  
Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A Not that I know of.  
Q Do you come before the Commission now to be identified as a Mississippi Choctaw? A Yes sir.  
Q Do you claim under article fourteen of the treaty of 1830?  
A Yes sir.  
Q Do you understand that article? A Yes sir.

The article itself as it now stands in the treaty of 1830 is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons claiming under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors ever complied or attempted to comply with any of the provisions of that article?
- A I don't know.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Alabeath Ball.
- Q Was that her maiden name? A Yes sir.
- Q She married whom? A Aaron Freeman.
- Q What relation to you was she? A Great-great-grandmother.
- Q Is May M. Crawford your sister? A A cousin.
- Q What relation is John H. Cowperthwait to you? A Cousin.
- Q How much Choctaw blood did your great-great-grandmother have?
- A One-half.
- Q Did she live in Mississippi and Alabama in 1830 and have a family there? A I don't know.
- Q Did you ever hear that she lived either in Mississippi or Alabama in the old Choctaw Nation at any time? A No sir.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi River to the Choctaw Nation, Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A I think Alabeath Ball went.
- Q She went to the Choctaw Nation, Indian Territory? A I think so, so far as I know— I don't know.
- Q You understand the question, don't you? The question is whether she or any ancestor of yours went from Mississippi or Alabama, wherever they were living, at any time between the ratification of the treaty of 1830 and the date of this application to the Choctaw Nation, Indian Territory? A I don't know, if I understand the question.
- Q Did any of your Choctaw ancestors live on land in that old Choctaw Nation either in Mississippi or Alabama for five years and then get a patent from the government for that land?
- A I do not know.
- Q Did any of your Choctaw ancestors go to Colonel William Ward, who was the United States Indian Agent, within six months after the

treaty of 1830 was ratified and register or attempt to register under article fourteen of the treaty of 1830? A We think Alabeath Ball did.

- Q You get that from family history? A Yes sir.  
Q Did she register? A I don't know.  
Q Did any of your Choctaw ancestors own any improvement on land in the old Choctaw Nation in 1830? A I don't know.  
Q Did any of them go before a commission in 1837 or a commission in 1842 and claim any benefits under article fourteen of the treaty of 1830? A I don't know.

These commissions were appointed by various acts of Congress, one by an act approved March 3, 1837 and the other by an act of Congress approved August 23, 1842; and these commissions went to Mississippi and heard claimants under Article 14 of the treaty of 1830; Indians who had tried to register under article fourteen of that treaty but who lost their lands in the old Choctaw Nation because Colonel William Ward, the Indian Agent, would not allow them to register. This land which was taken from them by the government in the old Choctaw Nation was sold at its public land sales.

- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A I don't know.

This scrip was issued under an act of Congress approved August 23, 1842, and was given to those Choctaw Indians who proved their rights under article fourteen of the treaty of 1830; and also proved that their land had been taken from them by the government.

- Q Do you understand or speak the Choctaw language? A No sir.

This applicant is allowed thirty days from this date in which to present other proof in this case if she desires to present it.

- Q Are you related to John H. Bennight? A Yes sir.  
Q What relation? A My mother's cousin.  
Q Do you want to have your case considered under his? A Yes sir.

The case of John H. Bennight, M.C.R. 6255, is here referred to for the purpose of consolidation.

- Q Is John F. Turnbull related to you? A I don't know whether he is or not.

Examination by Mr. Harrison, Attorney for applicant:

- Q Did you ever hear that Alabeath Freeman who is your great-great-grandmother ever lived in the State of Mississippi? A No, I don't think I ever heard.  
Q You never heard that talked of in your family? A All I ever heard talked about was about her going there.

- Q Is it not a fact that for many years you have lived separate and apart from many of your relatives, and for this reason you have heard but little about your ancestors? A Yes sir, I don't know much about them.
- Q What you do know about Alabeath Freeman is what you have heard in conversation with some of the members of your family? A Yes sir.
- Q And that has been told to you as a part of your family history and tradition, has it not? A Yes sir.
- Q What have you heard in this way about your great-great-grandmother, Alabeath Freeman, having tried to register in Mississippi in 1830, or about that time, for the purpose of getting her rights established to lands in Mississippi as a Choctaw Indian? A All I have heard is that she just went there and came back.
- Q Did you hear that she succeeded in registering? A No sir, I don't think I did.
- Q Did you hear that she failed to be registered? A No sir.
- Q What did she go there for? A Went to register, I suppose.
- Q Did she register? A I suppose she did, I think she did.
- Q Why do you think that? A I don't know what she would go there for if she did not try to register.
- Q Couldn't she have gone to the Agent and been refused? A Yes.
- Q Was she permitted to register? A I don't know.
- Q Well, you say you don't know; do you say so from personal knowledge or from knowledge derived from what other people have said? A What other people have said.
- Q Did you ever in your lifetime hear that Alabeath Freeman tried to register in Mississippi as a Choctaw Indian and was refused the privilege of registering? A I think I have.
- Q That is your belief now? A Yes sir.
- Q Do you remember to have heard that your great-great-grandmother ever lived in Mississippi? A Yes sir.
- Q Do you remember to have heard when she lived there? A No sir.

-----

By the Commission:

This applicant appears to be descended from white parentage. She has brown eyes, medium light complexion, brown hair. She has no knowledge of the Choctaw language

-----

Beryl Ingram being duly sworn upon her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all the proceedings had in the above entitled cause on the 19th day of March, 1903; and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Subscribed and sworn to before me this 26 day of March, 1903.

*Charles H. Sawyer*

Notary Public.



COPY:

M. C. R. 7112

Muskogee, Indian Territory, June 15, 1904.

Pearl M. McBride,

Liberty, Nebraska,

Dear Madam:

You are hereby notified that the Commission to the Five Civilized Tribes, on June 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John H. Bennight et al., including you.

You are further notified that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

*(Signature)*

*James Bixby*

*Chairman*

Registered.



M.C.R. 7112

Muskogee, Indian Territory, May 8, 1905.

Pearl M. McBride,

Liberty, Nebraska,

Dear Madam:

You are hereby notified that on the 21st day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John H. Bennight et al., of which decision you were advised by registered mail on the 15th day of June, 1904.

Respectfully,

Commissioner in Charge.



FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.

Pearl M. McBride

DECISION RENDERED

JUN 15 1904

REFUSE

**NOTICE OF DECISION FORWARDED  
APPLICANT**

NOTICE OF DECISION  
FORWARDED ATTORNEY  
FOR APPLICANTS.

JUN 15 1904

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

RECORD FORWARDED DEPARTMENT.

AUG 16 1904

ACTION APPROVED BY  
SECRETARY OF INTERIOR.

APR 21 1905

NOTICE OF DEPARTMENTAL  
ACTION MAILED APPLICANT.

MAY - 8 1905

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT.

1905

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

RECORDED  
6255

Choctaw. MCR 7113

Eliza J. Lammell

MCR 7113

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, Indian Territory.  
March 19, 1903.

In the matter of the application of Eliza Jane Lammel for the identification of herself and her six minor children, George H., Lucy F., Katie E., Edith J., Phillip J. and Altha E. Lammel, as Mississippi Choctaws.

Thomas & Harrison, Attorneys for applicant, represented by Mr. Harrison.

Eliza Jane Lammel being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Eliza Jane Lammel.  
Q What is your age? A Thirty-three.  
Q What is your postoffice address? A Holmesville, Nebraska.  
Q How long have you lived there? A Six years.  
Q Where did you live before that? A Dewitt, Nebraska.  
Q Where were you born? A Gage County, Nebraska.  
Q Have you always lived in Nebraska? A No sir, four years we were in Missouri.  
Q What four years? A Fall of eighty, then came back in fall of eighty-four.  
Q Is your father living? A Yes sir.  
Q Is your mother living? A Yes sir.  
Q What is your father's name? A John H. Dunn.  
Q What is your mother's name? A Her maiden name was Nancy J. Freeman.  
Q Nancy J. Dunn now? A Yes sir.  
Q Her name was Freeman before she married? A Yes sir.  
Q From which parent do you claim Choctaw blood? A My mother.  
Q How much do you claim? A One-thirty-second for myself.  
Q Do you claim your mother is a sixteenth Choctaw? A Yes sir.  
Q Has she ever been recognized or enrolled as a Choctaw Indian by either the Choctaw tribal authorities or the United States authorities in Indian Territory? A I don't know.  
Q Is your husband living? A Yes sir.  
Q What is his race? A White.  
Q What is his name? A Phillip John Lammel.  
Q Do you claim for your husband? A No sir.  
Q You are not living with him? A Yes sir.  
Q How many children have you? A Six.  
Q What is the name of the oldest? A George Henry.  
Q George Henry Lammel? A Yes sir.  
Q What is his age? A Twelve.

- Q The next? A Lucy Fanny Lammel.  
 Q How old? A Ten.  
 Q Next? A Katie Elizabeth Lammel.  
 Q How old? A Eight.  
 Q The next? A Edith Jane Lammel.  
 Q How old? A Six years old.  
 Q The next? A Phillip John Lammel.  
 Q Two 1's in Phillip? A Yes sir.  
 Q How old? A Four years old.  
 Q Next? A Altha Esther Lammel; she is two years old.  
 Q Do you claim for yourself and these six minor children?  
 A Yes sir.  
 Q Is your husband, Phillip J. Lammel, the father of these children?  
 A Yes sir.  
 Q Are you and he living together as husband and wife and are these children living with you at your home? A Yes sir.  
 Q Is your name, or are the names of your children, on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.  
 Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory?  
 A No sir.  
 Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.  
 Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by any authority whatever up to the present time? A No sir.  
 Q Do you come before the Commission now to identify yourself and these six minor children as Mississippi Choctaws? A Yes sir.  
 Q Do you claim under article fourteen of the treaty of 1830?  
 A Yes sir.  
 Q Do you understand that article? A Yes sir.

Article fourteen of the treaty of 1830 is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your ancestors complied or attempted to comply with any of the provisions of that article? A No sir.
- Q What is the name of your ancestor? A Alabeath Freeman.
- Q Is she the Alabeath Freeman through whom you make your claim today as a Mississippi Choctaw? A Yes sir.
- Q What was her husband's name? A Her husband's name was Aaron Freeman.
- Q What was her maiden name? A Alabeath Ball.
- Q What relation to you was she? A Great-great-grandmother.
- Q How much Choctaw blood did she have? A One-half.
- Q Did Aaron Freeman have any Choctaw blood? A Not that I know of.
- Q You claim from your mother? A Yes sir.
- Q Nancy J. Dunn? A Yes sir.
- Q She claims from which parent? A Her father.
- Q What was her father's name? A Posy Freeman.
- Q He claimed through whom? A His father, Green Freeman.
- Q And Green Freeman claimed through whom? A His mother, Alabeath Freeman.
- Q Did any of these Choctaw ancestors whose names you have given live in the old Choctaw Nation in 1830 and have a family there then? A I don't know.
- Q You don't know whether any of them were heads of families at that time? A No sir.
- Q Did any of your Choctaw ancestors live on land in that old Choctaw Nation either in Mississippi or Alabama for five years and at the end of that time receive a patent from the government for that land? A No sir, not that I know of.
- Q Did any of your Choctaw ancestors go to Colonel Ward, the United States Indian Agent, within six months after the ratification of the treaty of 1830 and register or attempt to register under article fourteen of the treaty of 1830? A I think they did.
- Q Who did that, do you know? A Alabeath Freeman.
- Q Did she register? A No sir.
- Q Do you know why not? A Colonel Ward was drunk and would not recognize her.
- Q What did she do after that? A She came back to her home. As far as I know, she did not do anything.
- Q Where was her home? A Douglas County, Missouri, so far as I know.
- Q Did she go from Missouri to Mississippi to register and then go back to Missouri? A That is what I have been told.
- Q Do you know when she lived in Mississippi or Alabama if she ever did? A I do not know.
- Q Do you know where she was born? A No sir.
- Q Or where she died? A No sir.
- Q Or where she lived the most of her life? A She lived a great many years in Douglas County, Missouri.
- Q Do you know what years? A No sir.
- Q Did she own any land or claim any lands in Mississippi or Alabama in the old Choctaw Nation under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi River to the Choctaw Nation, Indian Territory, at any time between the ratification of the treaty of 1830 and the date of this application made by you today, do you know? A No sir.

- Q Did any of your Choctaw ancestors go from the old Choctaw Nation to the Choctaw Nation, Indian Territory any time between 1833 and 1838 with the other Indians? A I don't know.
- Q Did any of your Choctaw ancestors own an improvement, on land in the old Choctaw Nation in 1830? A I don't know.
- Q Did any of your Choctaw ancestors go before a commission in 1837 or a commission in 1842, which commissions were appointed under various acts of Congress, and claim any rights under article fourteen of the treaty of 1830, do you know? A No sir, I don't know.

By Mr. Harrison, Attorney for Applicant:

- Q You say you don't know; do you mean by that you do not know, in answer to the last part of his question; or do you mean that your ancestors did not go before these commissions? A I do not know whether they did or not.

By the Commission:

These commissions were appointed one by an act of Congress approved March 3, 1837, and the other under an act of Congress approved August 23, 1842, for the purpose of hearing Mississippi Choctaw Indians who claimed that they had attempted to register under article fourteen of the treaty of 1830 within six months from the ratification of that treaty, but had been prevented from doing so by Colonel Ward, the Agent; and because he had prevented them from doing this their lands had been taken from them by the government and sold at its public land sales.

- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A I do not know.

This scrip was issued under an act of Congress approved August 23, 1842, and was given to Choctaw Indians who proved their rights under article fourteen of the treaty of 1830; and also proved that their lands had been taken from them in the old Choctaw Nation and sold by the government.

- Q Do you understand or speak the Choctaw language? A No sir.

Thirty days time will be allowed this applicant in which to introduce other proof in this case.

- Q Are you related to John H. Bennight? A He is a cousin of my mother.
- Q Do you want to have your case considered under his application? A Yes sir.
- Q He claims under Alabeath Freeman, does he? A Yes sir.

The case of John H. Bennight, M.C.R. 6255, is referred to for consolidation.



Q Are you related to John F. Turnbull? A He is a cousin of my mother.

The case of John F. Turnbull, et al., M.C.R. 6599, is also referred to.

By Mr. Harrison:

I desire to introduce proof of the marriage of the parents of this applicant. She claims through her mother.

By the Commission:

Certified copy of the marriage record of the marriage of John H. Dunn and Nancy J. Freeman is presented by this applicant, received, filed, marked exhibit "A" and made a part of the record in this case.---

Examination by Mr. Harrison, Attorney for applicant.

Q Did you ever hear in conversation with members of your family, or do you understand from your family history and tradition that Alabeath Freeman, about 1830, in the State of Mississippi, attempted to register for the purpose of getting land as a Choctaw Indian? A Yes sir.

Q What has been your information; that the United States Indian Agent, Colonel Ward, was drunk and refused Alabeath Freeman the right to register? Tell us something about that.

A I have heard it from my relations and relatives.

Q You don't undertake to tell the Commission anything of your own personal knowledge about what Alabeath Freeman undertook, or is said to have undertaken to do, relative to registering in Mississippi in 1830, do you? A No sir, that is all I know; just what I have heard from my relations.

---:---

By the Commission:

This applicant appears to be descended from white parentage. She has brown hair, brown eyes, medium fair complexion and does not understand the Choctaw language.

---\*---

Beryl Ingram being duly sworn upon her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all the proceedings had in the above entitled cause on the 19th day of March, 1903; and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

*Beryl Ingram*

Subscribed and sworn to before me this 30 day of March, 1903.

*Charles H. Sawyer*

Notary Public.

M.C.R. 7357

" 6826

" 7270

" 7113

Muskogee, Indian Territory, April 2, 1903.

Thomas & Harrison,

Attorneys at Law,

Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 26th ultimo, enclosing certified copy of the marriage certificate between John Harper and Louisa Loyd, offered in support of the application made by John Harper for identification as a Mississippi Choctaw; certified copy of the marriage certificate between C.W.T. Garrison and Maude O. Brown, offered in support of the application made by Maud O. Garrison for the identification of herself and minor children as Mississippi Choctaws; original marriage certificate between Wm. Alexander McClintock and Ida May Harper, offered in support of the application made by May Putnam for the identification of herself and minor children as Mississippi Choctaws; and the joint affidavit of John G. Woodward and Margaret Woodward to the marriage of Posy Freeman and his wife, Eliza Freeman, offered in support of the application made by Eliza J. Lammel for the

T & H 3

identification of herself and minor children as Mississippi Choctaws.

The same have been filed in these respective cases.

Respectfully,

Commissioner in Charge.

7 Muskogee, Indian Territory, August 24, 1903.

Thomas & Harrison,

Attorneys at Law,

Muskogee, Indian Territory,

Gentlemen:

Receipt is hereby acknowledged of your letter of August 20, inclosing affidavit of M. F. Rees relative to the marriage of Green H. Freeman and his wife Nancy Freeman, and communication of Marcus Erwin, which you offer in support of the application for identification as Mississippi Choctaws of Eliza J. Lammel, et al. and the same has been filed with the record in this case.

You are informed however, that if the original records have been destroyed and it is impossible to present a certified copy of such marriage record, you should forward the certificate of the Clerk of the Court of the county in which the ceremony was performed to the effect that the marriage records of that county have been destroyed.

Respectfully,

Commissioner in Charge.

M C R 7113

Muskogee, Indian Territory, August 31, 1903.

Thomas & Harrison,

Attorneys at Law,

Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 26th instant, enclosing affidavit of Eliza J. Lammell offered in support of the application made by her for the identification of herself and minor children as Mississippi Choctaws. The same has been filed with the record in her case.

Respectfully,

Commissioner in Charge.

COPY: M. C. R. 7113.

Muskogee, Indian Territory, June 15, 1904.

Eliza Jane Lammel,  
Helmessville, Nebraska.

Dear Madam:

You are hereby notified that the Commission to the Five Civilized Tribes, on June 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John H. Bennight et al., including you and your minor children, George Henry Lammel, Lucy Penny Lammel, Katie Elizabeth Lammel, Edith Jane Lammel, Phillip John Lammel and Altha Esther Lammel.

You are further notified that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,  
(SIGNED)

*Jane Birby*  
Chairman.

Registered.

M.C.R. 7113

Muskogee, Indian Territory, May 8, 1905.

Elisa J. Lammel,

Holmesville, Nebraska,

Dear Madam:

You are hereby notified that on the 21st day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John H. Bennight et al., of which decision you were advised by registered mail on the 15th day of June, 1904.

Respectfully,

Commissioner in Charge.

7113

7113

## FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

MAR 19 1902

Date

Name Eliza J. Lammel.

Age 33

Blood

1/32

Post Office,

Holmesville, Neb.

Father:

John H. Lammel. l

Mother:

Nancy J. " l

Claims through

mother, 1/16,  
HusbandPhillip J. Lammel, l. w  
No claim for husband

Children:

George H. Lammel 12

Lucy F. " 10

Nattie E. " 8

Edith J. " 6

Phillip J. " 4

Altha E. " 2

Claims for self &  
6 minors

Stenographer Ben L. Ingram



FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.

*Eliza J. Lammell et al*

**REFUSED**

DECISION RENDERED **JUN 15 1904**

**NOTICE OF DECISION FORWARDED  
APPLICANT**

**JUN 15 1904**

NOTICE OF DECISION  
FORWARDED ATTORNEY  
FOR APPLICANTS.

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

**JUN 15 1904**

**RECORD FORWARDED DEPARTMENT.**  
**AUG 16 1904**

**ACTION APPROVED BY  
SECRETARY OF INTERIOR.**

**APR 21 1905**

NOTICE OF DEPARTMENTAL  
ACTION MAILED APPLICANT.

**MAY - 8 1905**

**NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT.**

**MAY - 8 1905**

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

REFER TO M. C. R. **6255**

Choctaw MCR 7114

Martha E. Spradling

MCR 7114

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

--o--

In the matter of the application of Martha E. Spradling, et al., for identification as Mississippi Choctaws, M.C.R. 7114.

List of papers forwarded to the Secretary of the Interior  
comprising the record in the above case.

	(Page)
Original application of Martha E. Spradling, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Decision of the Commission refusing the ap- plication of Martha E. Spradling, et al., for identification as Mississippi Choctaws-----	6

--o--

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, Indian Territory.  
March 19, 1903.

In the matter of the application of Martha E. Spradling  
for the identification of herself and her four minor children,  
Emma F., Grace J., Sarah E. and Wilbur R. Spradling, as Mississippi  
Choctaws.

M.S. Cobb, Attorney for the Applicant.

Martha E. Spradling being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Martha E. Spradling.  
Q What is your age? A Thirty-three.  
Q What is your postoffice address? A Muskogee, Indian Territory.  
Q How long have you lived in Muskogee? A Three months, I suppose.  
Q Where did you live before that, Kentucky? A Yes sir.  
Q Were you born and raised in Kentucky? A Yes sir.  
Q Is your father living? A No sir.  
Q Is your mother living? A No sir.  
Q What was your father's name? A Isaac E. Murphy.  
Q What was your mother's name? A Mary J. Murphy.  
Q You can give her maiden name also? A Mary J. Elkins.  
Q Through which parent do you claim Choctaw blood? A My mother.  
Q How much do you claim? A One-sixteenth, I suppose.  
Q Do you claim your mother was an eighth? A Yes sir.  
Q Has your mother ever been recognized or enrolled as a Choctaw  
Indian by the Choctaw tribal authorities or the United States  
authorities in Indian Territory? A No sir.  
Q Are you married? A Yes sir.  
Q Is your husband living? A Yes sir.  
Q What is his race? A He claims to be Choctaw Indian.  
Q White and Choctaw? A Yes sir.  
Q Has he ever been before this Commission to be identified as a  
Mississippi Choctaw? A Yes sir.  
Q When did he appear, do you know? A About the 5th of January.  
Q About the fifth of January, this year? A Yes sir.  
Q What is his name? A Grant Spradling.  
Q You do not make application for your husband, do you? A No sir.  
Q He has made application for himself? A Yes sir.  
Q And when your husband made application for himself and children,  
he made no application for these children as claiming Choctaw  
blood through you, did he? A No sir.  
Q Do you want to name these children now and ask that they  
receive their rights through you as well? A Yes sir.  
Q What is the name of the oldest child? A Emma Florence  
Spradling.

- Q How old? A Twelve years old.  
 Q The next? A Grace J. Spradling.  
 Q How old? A Nine years old.  
 Q The next? A Sarah E. Spradling.  
 Q How old? A She is seven.  
 Q The next? A Wilbur R. Spradling.  
 Q How old? A Five.  
 Q Any others? A No sir.  
 Q That all? A Yes sir, that is all.  
 Q Now these were the children that your husband, Grant Spradling, claimed for when he made his application? A Yes sir.

Reference is made to the case of Grant Spradling, et al.,  
 M.C.R. 6579.

- Q And you ask that their claim be presented at this time for Choctaw blood through you? A Yes sir.  
 Q How much Choctaw blood do you claim for these children? A One-thirty-second.  
 Q And in addition to this one-thirty-second Choctaw blood, they claim Choctaw blood through Grant Spradling, their father, do they? A Yes sir.  
 Q Is your name, or the children's names on any of the tribal rolls of the Choctaw Nation, Indian Territory? A No sir.  
 Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children either to the Choctaw tribal authorities in Indian Territory, or to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.  
 Q Have you or these children ever been enrolled as Choctaw Indians by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.  
 Q Do you come before the Commission at this time to identify yourself, and also to identify these children in their claim through you, as Mississippi Choctaws? A Yes sir.  
 Q Do you claim under article fourteen of the treaty of 1830? A I suppose so.  
 Q Do you understand that article? A No sir.

Article fourteen is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That is article fourteen of the treaty of 1830 under which you make your claim today. This article was put into the treaty of 1830 before it was signed on the 27th day of September, 1830. It was put into the treaty for the special benefit of Mississippi Choctaw Indians who refused to go from the old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation, Indian Territory, with the other Indians under the treaty.

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with article fourteen of that treaty?  
 A No, sir, I do not know.
- Q What is the name of your ancestor through whom you make your claim now to be identified as a Mississippi Choctaw?  
 A Jonathan Osborne.
- Q What relation is he to you? A He is my great-great-grandfather.
- Q Is that as far back as you go? A Yes sir.
- Q How much Choctaw blood did Jonathan Osborne have? A I suppose he was full blood, and his wife too.
- Q Do you claim from his wife as well? A Yes sir.
- Q What was her name? A Easter.
- Q How do you spell Easter? A E-a-s-t-e-r.
- Q How much Choctaw blood did Easter, the wife of Jonathan Osborne, have? A I could not tell; I suppose she was a full blood Indian.
- Q You claim through your mother, Mary J. Murphy; and Mary J. Murphy claims through whom? A Through her mother, Easter Richmond.
- Q What was her husband's name? A I think it was Billy or William Richmond.
- Q What was Easter Richmond's maiden name? A Her maiden name was Osborne.
- Q And she claimed through which parent? Her father or mother?  
 A Through both, I suppose.
- Q Both of them? A I suppose so.
- Q Those were the original ancestors you are claiming through now, Jonathan and Easter? A Yes sir.
- Q Did Jonathan Osborne or his wife, Easter, or any Choctaw ancestors of yours live in the Choctaw Nation in Mississippi and Alabama in 1830? A I suppose they lived in Mississippi.
- Q Who did? A In Mississippi or Alabama one, the Osbornes.
- Q Jonathan and his wife? A Yes sir.
- Q Did they have a family there then? A I suppose so.
- Q Well, do you know? A No, I couldn't tell.
- Q Did either of them go to Colonel Ward within six months after the treaty of 1830 was ratified and register or attempt to register under article fourteen of the treaty of 1830?  
 A I don't know.
- Q Did either of them live on land in the old Choctaw Nation in Mississippi or Alabama for five years, and then get a patent from the government for that land? A I don't know.
- Q Did either of them claim any land in the old Choctaw Nation under article fourteen of the treaty of 1830? A I don't know.

- Q Did either of them go from that old Choctaw Nation to the Choctaw Nation, Indian Territory, at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A I don't know.
- Q Or at any time between 1853 and 1858 with the other Indians under the treaty? A I don't know.
- Q Did any of them own improvements on land in that old Choctaw Nation in 1830? A I don't know.

In 1837 by an act of Congress approved March 3d of that year; and in 1842 by another act passed August 23d of that year, commissions were appointed; which commissions went to Mississippi and heard Choctaw Indians who claimed under article fourteen of the treaty of 1830. The reason why these commissions were appointed was because a good many Choctaw Indians tried to register under article fourteen of that treaty within six months from its ratification, but were prevented from doing so by Colonel Ward, and because he would not allow them to register their lands were taken from them, in the old Choctaw Nation, and sold by the government at its public land sales.

- Q Do you know if any of your Choctaw ancestors went before either of these commissions and claimed any rights under article fourteen of that treaty? A I don't know.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A I don't know.

This scrip was issued under an act of Congress approved August 23, 1842, and was given to Choctaw Indians who proved their rights under article fourteen of the treaty of 1830; and also proved that their lands had been taken from them in the old Choctaw Nation and sold.

- Q Do you speak or understand the Choctaw language? A No sir.
- Q Is there anything further you wish to say now in support of this claim? A No sir.

This applicant is allowed thirty days' time in which to produce further proof in this case if she desires to present it.

- Q What relation is William F. Elkins to you? A Uncle.
- Q He made application, did he? A Yes sir.

Reference is made to M.C.R. 553.

- Q Did he claim through the same ancestor, Jonathan Osborne and his wife? A Yes sir.

This applicant has the appearance of being descended from white parentage; she has black hair or nearly so, black eyes and medium dark complexion. She has no knowledge of the Choctaw language.



Beryl Ingram being duly sworn upon her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all the proceedings had in the above entitled cause on the 19th day of March, 1903; and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

*Beryl Ingram*

Subscribed and sworn to before me this 30 day of March, 1903.

*Charles H. Sawyer*  
Notary Public.



154  
COPY.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

--0--

In the matter of the application of Martha E. Spradling, et al., for identification as Mississippi Choctaws, M.C.R. 7114.

---: D E C I S I O N :---

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Martha E. Spradling for herself and her four minor children, Emma Florence, Grace J., Sarah E. and Walter E. Spradling, under the following provision of the act of Congress approved June 25, 1898 (30 Stat., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article Fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that the principal applicant herein claims rights in the Choctaw lands under article Fourteen of the treaty

between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being a descendant of Jonathan Osborne and Easter Osborne, who are alleged to have been full-blood Choctaw Indians; and that the minor applicants herein claim said rights by reason of being descendants of the above named ancestors and Grant Spradling, who is alleged to have been a Choctaw Indian, degree of blood not stated.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Jonathan Osborne, or Easter Osborne, or Grant Spradling, or ancestors less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of

Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Martha E. Spradling, Emma Florence Spradling, Grace J. Spradling, Sarah E. Spradling and Wilbur R. Spradling, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tamr Bixby.  
Chairman.

(SIGNED)

I. B. Needles.  
COMMISSIONER.

(SIGNED)

C. R. Breckinridge.  
COMMISSIONER.

(SIGNED)

W. F. Stanley.  
COMMISSIONER.

Muskogee, Indian Territory,

OCT 29 1903

COPY:

Muskogee, Indian Territory, October 29, 1903.

Martha E. Spradling,

Muskogee, Indian Territory.

Dear Madam:

You are hereby advised that on the 29, day of October, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Martha E. Spradling, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Martha E. Spradling, Emma Florence Spradling, Grace J. Spradling, Sarah E. Spradling and Wilbur E. Spradling, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen

N.Y.S.S.

days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*T. B. Needles.*  
Commissioner in Charge.

Register.

M.O.R.7114,

COPY:

Muskogee, Indian Territory, October 29, 1903.

M. S. Cobb,

Attorney-at-Law,

Hot Springs, Arkansas.

Dear Sir:

You are hereby advised that on the 29th day of October, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Martha E. Spradling, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 ( 30 stats., 498) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Martha E. Spradling, Emma Florence Spradling, George J. Spradling, Sarah R. Spradling and Wilbur R. Spradling, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

M. S. O. 2

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*T. B. Needles.*  
Commissioner in Charge.

Register,



M.C.R. 7114.

COPY.

Muskogee, Indian Territory, October 29, 1903.

Mansfield, McMurray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 29th day of October, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Martha E. Spradling, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1908 ( 30 Stats., 495):

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Martha E. Spradling, Emma Florence Spradling, Grace J. Spradling, Sarah E. Spradling and Wilbur R. Spradling, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*T. B. Needles.*

Commissioner in Charge.



COPY.

Muskogee, Indian Territory, November 14, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Martha N. Spradling, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 29, 1903.

The Commission has the honor to report that the principal applicant herein, her attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

The applicants in this case are related to the applicants in the consolidated Mississippi Choctaw case of William F. Elkins, et al., decision in which was rendered July 16, 1902, and approved by the Secretary September 26, 1902.

Respectfully,

(SIGNED)

*James Bixby*  
Chairman.

Through the

Commissioner of Indian Affairs.

Enc. M.C.R. 7214.

LAND  
75096-1903.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON, February 6, 1904. (COPY).

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to invite your attention to the record of the Commission to the Five Civilized Tribes in the matter of the application of Matha E. Spradling for the identification of herself and her four minor children, Emma Florence, Grace J., Sarah E. and Wilbur R. Spradling as Mississippi Choctaws, wherein a decision rejecting them was entered by the Commission on October 29, 1903.

The record in this case shows that the applicants found their claims to a right to identification as Mississippi Choctaws on their descent from Jonathan Osborne and Easter Osborne, his wife, both of whom are claimed to have been full blood Choctaws and Grant Spradling, who is claimed to have been of part Choctaw blood.

Mary E. Spradling, who is the witness in this case says she thinks her Choctaw ancestors of 1830 lived in Mississippi at that time, but she has no knowledge as to their having been recognized as citizens of the Choctaw tribe or as to their ownership of improvements, nor their having made a claim for land under any provision of the Choctaw treaty.

The Commission rejected the applicants for the reason that their records failed to show that Jonathan Osborne, Easter Osborne or Grant Spradling were among those Choctaw Indians who received benefits under the 14th article of the Choctaw treaty of 1830.

An examination has been made of the records in this office with reference to the names of Jonathan Osborne, Easter Osborne and Grant Spradling and it is disclosed that their names do not appear among the names of those Choctaw Indians who either complied with or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830. I am therefore of opinion that the decision of the Commission rejecting these applicants was correct and should be approved.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

EBH:LM

LAND  
23979-1904.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,

(COPY).

WASHINGTON, April 14, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

Acknowledgment is hereby made of receipt of Departmental letter of the 9th instant (I.T.D.1114/1904), relative to the application of Matha E. Spradling, et al., for identification as Mississippi Choctaws.

You refer to the fact that the applicant gives as her grandparents, William or Billy and Easter Richmond, who were married in 1830, and ask for special report as to whether their names appear as applicants for benefits under the provisions of the 14th article of the Choctaw treaty of 1830.

An examination of the records of this office discloses the fact that their names do not appear as applicants for land under the 14th or any other article of the Choctaw treaty.

Respectfully,

W. A. Jones,

Commissioner.

KBH-H

DC-12547-1904.

(COPY).

J.W.H.

FHE

DEPARTMENT OF THE INTERIOR,

ITD.3220-1904.

WASHINGTON, April 19, 1904.

1114- "

LRS.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory,

Gentlemen:

November 14, 1903, you transmitted the record in the matter of the application of Mattha E. Spradling (M.C.R. 7114) et al., for identification as Mississippi Choctaws, with your decision of October 29, 1903, refusing to identify them as such.

Reporting in the matter February 6, 1904, and April 14, 1904, the Indian Office advised the Department that it did not appear from the records that any of the alleged ancestors of those applicants ever complied or attempted to comply with the provisions of article 14 of the treaty of 1830, and recommended that your action be approved. Copies of such letters are inclosed.

The Department concurs in the recommendation of the Indian Office, and your decision is hereby affirmed.

Respectfully,

THOS. RYAN,

Acting Secretary.

2 inclosures.

M.C.R. 7114

COPY.

Muskogee, Indian Territory, April 30, 1904.

Martha E. Spradling,

Muskogee, Indian Territory,

Dear Madam:

You are hereby notified that on the 19th day of April, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Martha E. Spradling et al., of which decision you were advised by registered mail on the 29th day of October, 1901.

Respectfully,

(SIGNED)

*Tamm Bittby.*

Chairman.

M.C.R. 7214

COPY.

Muskogee, Indian Territory, April 30, 1904.

M. S. Cobb,

Attorney at Law,

Hot Springs, Arkansas,

Dear Sir:

You are hereby notified that on the 19th day of April, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Martha E. Spradling et al., of which decision you were advised by registered mail on the 29th day of October, 1903.

Respectfully,

(SIGNED)

*James Bixby.*  
Chairman.

COPY.

M.C.R. 7114

Muskogee, Indian Territory, April 30, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby notified that on the 19th day of April, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Martha E. Spradling et al., of which decision you were advised by mail on the 29th day of October, 1903.

Respectfully,

(SIGNED)

*Tams Bixby.*

Chairman.



7114

No.

7114

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 19 1907

Name Martha E. Spradling

Age 33

Blood

1/16

Post Office.

Muskogee, I. T.

Father:

Isaac E. Murphy d

Mother:

Mary J. .. d

Claims through

mother, 1/8 -  
KensbaudGrant Spradling - I. W.  
and children

Children:

Emma K. Spradling, 12 1/32

Grace J. .. 9

E. Sarah E. .. 7

Wilbur R. .. 5

above children claim  
 this mother 1/32, and  
 also claim this father  
 Grant Spradling  
 (see me R. 1905 -)

Stenographer Boyd Ingram

FOR IDENTIFICATION AS  
A MISSISSIPPI STATE DEPARTMENT

Martha E. Spradling

ACTION APPROVED BY  
RECEIVED BY  
APR 19 1964

NOTICE OF DEPARTMENTAL ACTION  
APR 19 1964

RECEIVED BY  
MARSHALL UNIVERSITY

NOTICE OF DEPARTMENTAL ACTION  
FBI  
APR 19 1964

Choctaw MCR 7115

George A. Harper

MCR 7115

5

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, Indian Territory.  
March 19, 1903.

In the matter of the application of Elizabeth E. Harper for the identification of her minor son, George A. Harper, as a Mississippi Choctaw.

Thomas & Harrison, Attorneys for applicant, represented by Mr. Harrison.

Elizabeth E. Harper being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Mrs. Elizabeth E. Harper.  
Q What is your age? A Sixty.  
Q Where do you live? A Broadwell, Illinois, Logan County.  
Q Does your son live there also? A He lives with me at home.  
Q What is his name? A George A. Harper.  
Q What is his age? A Nineteen.  
Q What is the name of the father of your son, George A. Harper?  
A Montford M. Harper.  
Q Is he living? A Yes sir.  
Q You are the mother of this boy? A Yes sir.  
Q Do you claim for him as having Choctaw blood? A Yes sir.  
Q Through whom does he claim his Choctaw blood? A Charles Harper, his great-great-grandfather.  
Q But he claims through his father, doesn't he? A Yes sir.  
Q Montford M. Harper? A Yes sir.  
Q How much Choctaw blood do you claim for George A. Harper?  
A One eighth.  
Q How much Choctaw blood do you claim his father, Montford M. Harper has? A One-fourth.  
Q Has Montford M. Harper ever been recognized or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the United States authorities in Indian Territory? A No sir.  
Q Is your son, George A. Harper, living with you and your husband at your home? A Yes sir.  
Q What is the reason why your husband is not able to be present himself before the Commission? A He was sick all the winter laid up with rheumatism, and he could not spare the time to come down now very handy and they told me I could attend to it as well as he could come.  
Q How far from here do you live? A About the middle of Illinois in Logan County.  
Q Is he well now? A He is not well but better than he has been.  
Q So you have come in order that your son's rights before the Commission in his claim as a Mississippi Choctaw may be preserved? A Yes sir.  
Q Your son is not married, is he? A No sir.

- Q Is the name of your son on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for your son before this time? A No sir.
- Q Either to the Choctaw tribal authorities in Indian Territory or to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
- Q Has your son, George A. Harper, ever been enrolled or admitted to membership in the Choctaw Nation? A No sir.
- Q By any authority whatever? A No sir.
- Q Do you now come before the Commission to identify him as a Mississippi Choctaw? A Yes sir.
- Q Do you claim under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article? A Well, I have read it several times.
- Q You understand it then, do you? A I think I do.

The article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Did any of the Choctaw ancestors of your son comply with that article, do you know? A I do not know, but we have reasons to think that my husband's great-grandfather did under the treaty of 1830.
- Q What was his name? A Charles Harper.
- Q That was your husband's great-grandfather? A Yes sir.
- Q And your son's great-great-grandfather? A Yes sir.
- Q How much Choctaw blood did Charles Harper have? A He was supposed to be a full blood.
- Q Did Montford W. Harper claim through his father or mother? A His father.
- Q What was his father's name? A Samuel Harper.
- Q And Samuel Harper claimed through whom? A Charles Harper, his father.
- Q Was that the Charles Harper whose name you have given as the great-great-grandfather of your son? A Yes sir.
- Q Did any of these Choctaw ancestors of your son live in Mississippi or Alabama in 1830 and have a family there then? A They lived in Mississippi.

- Q Where in Mississippi? A Well, I don't know.
- Q Who lived in Mississippi? A Charles Harper.
- Q Did he live there in 1830 and have a family there then?
- A Well, I don't know; I think he left there but I don't know when he left.
- Q Where was Charles Harper born? A I don't know; he moved from Mississippi to Mount Sterling, Kentucky.
- Q When did he live in Mississippi, what years? A I don't know.
- Q How long did he live there? A I don't know.
- Q Did he go to Colonel Ward within six months after the treaty of 1830 was ratified and register or attempt to register under article fourteen of the treaty of 1830? A Well, I don't know.
- Q Well, did you ever hear that? A I have heard my husband's father and his brother call themselves Choctaw Indians.
- Q Do you know anything about the ancestors-- the father and mother-- of Charles Harper? A No sir, I don't, but there is a Shaw woman comes in there somewhere, but I don't know where, who was a full blood Indian.
- Q Did Charles Harper or any of your son's Choctaw ancestors live on land in the old Choctaw Nation in Mississippi or Alabama five years, and at the end of that time get a patent from the government for that land? A I don't know.
- Q Did any of your son's Choctaw ancestors go from the old Choctaw Nation east of the Mississippi River to the Choctaw Nation, Indian Territory, at any time between the ratification of the treaty of 1830 and the date of this application made by you today? for your son? A I don't know.
- Q Did any of them own an improvement on land in the old Choctaw Nation in 1830? A I don't know.
- Q Did any of the Choctaw ancestors of your son go before a commission in 1837 or a commission in 1842, which commissions were appointed under acts of Congress, and claim any benefits under article fourteen of the treaty of 1830? A Well, I don't know.

These commissions were appointed, one under an act of Congress approved March 3, 1837, and the other under an act of Congress approved August 23, 1842. These commissions went to Mississippi and heard claimants under article fourteen, which claimants had tried to register under that article but were not allowed to do so by Colonel William Ward, the Agent; and as a result of his refusal to allow them to register, their lands were taken from them by the government agents afterwards and sold.

- Q You don't know whether any of the ancestors of your son went before either of these two commissions? A No, I don't.
- Q Did any of the ancestors of your son receive any scrip from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A I don't know.

This scrip was issued under an act of Congress approved August 23, 1842, and was given to Choctaw Indians who proved their rights under article fourteen of the treaty of 1830; and also proved that their lands had been taken from them by the government and sold.

- Q Does your son speak the Choctaw language or understand it?  
A No sir.

Thirty days time is allowed in this case for the introduction of other proof.

- Q Is the ancestor of your son, Charles Harper, related to John Harper; or did he have a brother named John Harper?  
A To the best of our knowledge, he had a brother John.  
Q John and Jim? A To the best of our knowledge.

--:--

Examination by Mr. Harrison, Attorney for applicant.

- Q Was that the John Harper who was supposed to have two daughters, Polly and Lydia? A I suppose it was, we all think they were brothers.  
Q What information have you from family history or tradition or otherwise that Charles Harper, the ancestor of your son, complied or attempted to comply with the fourteenth article of the treaty of 1830 in order to get land in Mississippi as a Choctaw?  
A I guess from family history and tradition. I have heard them talk about it. That is all.  
Q What is that specific information? You have heard it in a general way. Now, what is the specific information if you can recall it? A There is an heir of one of my husband's uncles that said that Charles Harper went to Mississippi to get land, but when I don't know.  
Q Is that all the information you have and can give at this time about that? A Yes sir.

--:--

By the Commission:

- Q What is the appearance of your son? A He has black hair, and eyes are brown.  
Q Is his complexion light or dark? A Light.

A certificate of marriage of Montford Harper and Libbie Lyons is presented by applicant, received, filed and marked exhibit "A", and made a part of the record in this case.

By Mr. Harrison, Attorney for applicant:

- Q Is the Libbie Lyons mentioned in this record and designated as the wife of Montford Harper, and Elisabeth M. Harper (yourself) one and the same person? A Yes sir.  
Q How do you account for that name appearing that way in this marriage certificate? A I don't know; that is the name Mr. Harper gave in and the name I always went by when I was young.  
By Mr. Harrison:

I also desire to present, your Honor, in support of this claim marriage certificate of the marriage of Samuel Harper to Mary Ann Cartmill.

By the Commission:

This certificate of the marriage of Samuel Harper to Mary Ann Cartmill, is received, filed, marked exhibit "B" and made a part of the record in this case.



Beryl Ingram being duly sworn upon her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all the proceedings had in the above entitled cause on the 19th day of March, 1903; and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

*Beryl Ingram*

Subscribed and sworn to before me this 30 day of March, 1903.

*Charles H. Sawyer*  
Notary Public.



M C R 7116

Muskogee, Indian Territory, April 8, 1903.

Thomas & Harrison,

Attorneys at Law,

Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 4th instant, enclosing the affidavits of Leonard K. Seroggins, Esther Jane Buckles and John Buckles, offered in support of the application of George A. Harper for identification as a Mississippi Choctaw. The same have been filed with the record in this case.

Respectfully,

Chairman.

M C R 7115

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,

Attorneys-at-Law,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission had this day notified Elisabeth E. Harper that she will be allowed thirty days from this date in which to submit further evidence in support of the application of George A. Harper for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M C R 7115

Muskogee, Indian Territory, November 6, 1903.

Elizabeth E. Harper,  
Broadwell, Illinois.

Dear Madam:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of George A. Harper for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M C R 7115

Muskegee, Indian Territory, March 19, 1904.

George A. Harper,  
Broadwell, Illinois.

Dear Sir:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which the application made by Elizabeth E. Harper for your identification as a Mississippi Choctaw was made a part, refusing said application.

You are further advised that a copy of such decision has been furnished your attorneys of record, Thomas & Harrison, Muskegee, Indian Territory; that the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted to the Secretary of the Interior for his consideration with such argument and brief as may be submitted by your attorneys.

Respectfully,

Registered

Commissioner in Charge.

M.C.R.-7115.

Muskogee, Indian Territory, June 26, 1905.

Elizabeth E. Harper,  
Broadwell,  
Logan County, Illinois.

Dear Madam:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 19th day of March, 1905.

Respectfully,

Chairman.

7115

No. 7115

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 19 1903  
Name Elizabeth E. Harper, white, 60  
for minor George A.  
Harper.  
Age 19 Blood 1/8

Post Office, Broadwell, Ill.  
Logan Co.

Father: Montford M. Harper. P

Mother: Elizabeth E. P

Claims through father, 1/4

Children:

George A. Harper, 19.

Claims for son +

DECISION RENDERED

MAR 11 1904

CHIEF OF BUREAU OF LANDS

CHIEF OF BUREAU OF LANDS

CHIEF OF BUREAU OF LANDS

NOTICE OF DECISION MAILED APPLICANT:

MAR 11 1904

COPY OF DECISION

MAR 11 1904

ATTORNEY FOR APPLICANT

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION TAKEN BY  
SECRETARY OF INTERIOR

MAR

NOTICE OF DEPARTMENTAL  
ACTION

JUN

NOTICE OF DEPARTMENTAL  
ACTION

NOTICE OF DEPARTMENTAL ACTION  
THREATENED BY  
AND OTHERS

Choctaw MCR 7116

Didama Harper

MCR 7116



Department of the Interior  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. March 19, 1903.

---0---

In the matter of the application of Didama Harper for the identification of herself as a Mississippi Choctaw.

Thomas & Harrison attorneys.

Didama Harper being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A Didama Harper.  
Q What is your age? A Twenty-nine.  
Q What is your post office address? A Newkirk, Oklahoma.  
Q How long have you lived there? A Two years.  
Q Where did you live before that? A Iowa.  
Q Where were you born? A Illinois.  
Q Where in Illinois? A Logan county.  
Q How long did you live there? A Twenty-two years.  
Q Is your father living? A Yes, sir.  
Q Is your mother living? A Yes, sir.  
Q Through which parent do you claim your Choctaw blood? A Through my father.  
Q What is his name? A John Harper.  
Q What is your mother's name? A America Harper.  
Q How much Choctaw blood do you claim? A One-eighth.  
Q Do you claim your father is one-fourth? A Yes, sir.  
Q Has he been recognized or enrolled as a member of the Choctaw tribe as by the Choctaw tribal authorities here or the United States authorities in Indian Territory? A No, sir.  
Q Are you married? A No, sir.  
Q Do you claim for yourself alone? A Yes, sir.  
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.  
Q Have you ever made application for citizenship in the Choctaw Nation either to the Choctaw tribal authorities in Indian Territory or to the Dawes Commission under the act of Congress of June 16, 1896? A No, sir.  
Q Have you ever been admitted to citizenship in the Choctaw Nation by any authority whatever up to the present time? A No, sir.  
Q Do you now come before the Commission for the purpose of identifying yourself as a Mississippi Choctaw? A Yes, sir.  
Q Do you claim under article fourteen of the treaty of 1830? A Yes, sir.  
Q Do you understand that article? A I think I do.

Article fourteen is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon

be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article? A No, I don't know it.
- Q What is the name of your ancestor through whom you claim the right to be identified as a Mississippi Choctaw? A Charlie Harper.
- Q What relation was he to you? A Great great grandfather.
- Q How much Choctaw blood did he have? A Full blood.
- Q You claim through your father and he claims through which parent? A Baldwin Harper.
- Q And he claims through whom? A Charlie Harper.
- Q Is this Charlie Harper and Charles Harper the same, your great great grandfather? A Yes, sir.
- Q Did he live in Mississippi or Alabama in 1830 and have a family there at that time? A I don't know.
- Q Did he or any other of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi River to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A I don't know.
- Q Did any Choctaw ancestor of yours live on land in the old Choctaw Nation either in Mississippi or Alabama for five years and then get a deed or patent to that land from the government? A I don't know.
- Q Did any of your Choctaw ancestors go to Colonel Ward within six months after the treaty of 1830 was ratified and register or attempt to register under article fourteen of that treaty? A I believe it is said they did.
- Q Who did do you know? A No, sir.
- Q Did any of your Choctaw ancestors own any improvement on land in the old Choctaw Nation in 1830? A I don't know.

In 1837 by an act of Congress approved March 3d or that year and also in 1842 by an act of Congress approved August 23d of that year, commissions were appointed which went to Mississippi and heard claims under article fourteen of the treaty of 1830. These commissions were appointed under various acts of Congress for the purpose of hearing Choctaw Indian claimants who had gone to Colonel Ward, the Indian agent, within six months

from the ratification of the treaty of 1830 and had attempted to register under article fourteen of that treaty, but because Colonel Ward would not allow them to register these Indians had their lands taken from them in the old Choctaw Nation and sold.

- Q Do you know if any of your Choctaw ancestors Charles Harper or any other went before either of these two commissions and claimed any benefit under article fourteen of that treaty? A I don't know.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land either in Mississippi Alabama, Louisiana or Arkansas? A I don't know.

This scrip was issued under the act of Congress approved August 23, 1842.

- Q Do you understand or speak the Choctaw language? A No, sir.

Thirty days time will be allowed from this date in which to introduce other proof in this case.

Examination by attorney:

- Q Do you remember the name of your great great grandmother? A I think it was Cheatham.
- Q Do you know what the name was? A No, sir.
- Q Now do you remember to have heard that they had a son named Charles? A I think so.
- Q Now unless you have heard don't make any guess at it? A I don't know much all hearsay.
- Q Do you remember to have heard the name of the wife of Baldwin Harper? A Yes, sir.
- Q What was her name? A Permelia, we always called her Melia.
- Q What information have you, if any, that your great great grandfather tried to get land in Mississippi as a Choctaw Indian? A Haven't any.
- Q Did you ever hear it discussed in your family? A Not until recently after I heard that I had Indian blood - but not about the claim.
- Q What you know is derived from family history is it? A Yes, sir.
- Q Did you ever hear that your great grandfather tried to get land in Mississippi about 1830? A No, sir.

We would like to introduce the certificate of the justice of the peace who performed the marriage ceremony between the father and mother of this applicant.

By Commission:

This certificate is received, filed, marked exhibit "A" and made a part of the record in this case.

This applicant has the appearance and physical characteristics of being descended from white parentage, brown hair, blue eyes, light complexion; she had no knowledge of the Choctaw language and no knowledge of a compliance on the part of her ancestors with the provisions of article fourteen of the treaty of 1830.

Chas. Diffendaffer, being first duly sworn states that as

7117-4

stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause taken at Muskogee, Indian Territory, March 19, 1903, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

*Chas. Diffendaffer*

Subscribed and sworn to before me this 30th day of April 1903.

*Charles H. Sawyer*

Notary Public.

M.C.R. 7116.

Muskogee, Indian Territory, November 6, 1903.

Didana Harper,

Newkirk, Oklahoma,

Dear Madam:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of your application for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M.C.R. 7116.

Muskogee, Indian Territory, November 16, 1903.

Thomas & Harrison,

Attorneys at Law,

Muskogee, Indian Territory,

---

Gentlemen:

You are hereby advised that the Commission has this day notified Didama Harper that she will be allowed thirty days from this date in which to submit further evidence in support of her application for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

---

Respectfully,

Chairman.

M C R 7116

Muskogee, Indian Territory, March 19, 1904.

Didana Harper,  
Newkirk, Oklahoma.

Dear Madam:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which your application for identification as a Mississippi Choctaw was made a part, refusing said application.

You are further advised that a copy of such decision has been furnished your attorneys of record, Thomas & Harrison, Muskogee, Indian Territory; that the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted to the Secretary of the Interior for his consideration with such argument and brief as may be submitted by your attorneys.

Respectfully,

Registered.

Commissioner in Charge.



M.C.R.-7116.

Muskogee, Indian Territory, June 26, 1905.

Didama Harper,

Newkirk, Oklahoma.

Dear Madam:

You are hereby notified that on the 30th day of March, 1905, the secretary of the Interior affirmed the decision of this Commission, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 19th day of March, 1904.

Respectfully,

Chairman.



716.

7116

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 19 1903

Name *Idama Harper*

Age *29*

Blood *1/8*

Post Office, *Newark, Okla -*

Father: *John Harper, l.*

Mother: *America, l.*

Claims through *father 1/4*

7

~~Children:~~

*Claims for self*

Stenographer *Chas. W. Simpson.*

*Anna Harper*

DECISION RENDERED.

MAR 4 1904

COPY OF DECISION FORWARDED  
ATTORNEY FOR CHOCTAW AND  
CHICKASAW NATIONS.

MAR 4 1904

NOTICE OF DECISION MAILED APPLICANT. MAR 19 1904

COPY OF DECISION FORWARDED  
ATTORNEY FOR APPLICANT.

MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED BY  
SECRETARY OF INTERIOR.

MAR 19 1904

NOTICE OF DEPARTMENTAL  
ACTION MAILED APPLICANT.

MAR 19 1904

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR CHOCTAW AND CHICKASAW NATIONS.

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR CHOCTAW  
AND CHICKASAW NATIONS.

REFER TO M. D. N. 5370

Choctaw MCR 7117

Chester Harper

MCR 7117

Department of the Interior  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. March 19, 1903.

---o---

In the matter of the application of Chester Harper for the identification of himself and his two minor children, Byron and Virginia Harper, as Mississippi Choctaws.

Thomas & Harrison attorneys.

Chester Harper being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A Chester Harper.  
Q What is your age? A Thirty-two.  
Q What is your post office address? A Newkirk, Oklahoma.  
Q How long have you lived there? A Two years.  
Q Where did you live before that? A Iowa.  
Q Where were you born? A Illinois.  
Q Where? A Logan county.  
Q How long did you live in Illinois? A Twenty-three years, or twenty-five years.  
Q Is your father living? A Yes, sir.  
Q Is your mother living? A Yes, sir.  
Q What is your father's name? A John Harper.  
Q What is your mother's name? A America Harper.  
Q Do you claim through your father or mother? A Through my father.  
Q How much Choctaw blood do you claim? A One-eighth.  
Q Is your father one-quarter Choctaw? A Supposed to be.  
Q Has he been recognized or enrolled as a member of the Choctaw tribe by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No, sir.  
Q What is your wife's name? A Leona Harper.  
Q Is she living? A Yes, sir.  
Q What is her race? A White.  
Q Do you claim for her? A No, sir.  
Q Give me the name of your eldest child? A Byron Harper.  
Q How old? A Ten years old.  
Q The next? A Virginia Harper, eight years.  
Q Do you claim for these two children and yourself? A Yes, sir.  
Q Is Leona the mother of these two children? A Yes, sir.  
Q Are you living together as husband and wife and are these children living with you? A Yes, sir.  
Q Have you proof of your marriage with her? A No, sir.  
Q When were you married to her and where? A Lincoln 26th of April.  
Q By a minister under a license? A Yes, sir.  
Q Is your name or the name of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.  
Q Have you ever made application for citizenship in the Choctaw Nation either to the Choctaw tribal authorities in Indian Territory or to the Dawes Commission under the act of Congress approved June 10, 1896? A No, sir.

- Q Have you ever been admitted to citizenship in the Choctaw Nation or been enrolled with your children by any authority whatever up to the present time? A No, sir.
- Q Do you come before the commission now to identify yourself and these children as Mississippi Choctaws? A Yes, sir.
- Q Do you claim that right under article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand that article? A I think so.

Article fourteen is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q What is the name of your ancestor that you claim through now? A Harper.
- Q Give the full name? A John Harper.
- Q You claim through John Harper do you? A Yes, sir.
- Q What relation was John Harper to you? A great great grandfather - Charles it is.
- Q How do you know it is Charles or are you guessing? A I was mistaken it is Charles.
- Q You claim through your father John Harper? A Yes, sir.
- Q And he claims through whom? A Father.
- Q His name is what? A Baldwin.
- Q And was he a son of Charles Harper your great great grandfather? A Yes, sir.
- Q Then did Baldwin's father Charles have a father named Charles? You said Baldwin was a son of Charles didn't you? Yes, sir.
- Q And did that Charles have a father named Charles? A I don't know.
- Q Well did your great great grandfather Charles Harper live in Mississippi or Alabama in 1830? and have a family there then? A I don't know.
- Q Did any of your Choctaw ancestors within six months after the treaty of 1830 was ratified go to the United States Indian agent and tell him they wanted to stay there, take land and become citizens of the states? A I don't know.

7117-3

- Q Did any Choctaw ancestor of yours live on land in the old Choctaw Nation for five years after the treaty was ratified and at the end of that time get a patent from the government for that land? A Not that I know of.
- Q Did any go from that old Choctaw Nation east of the Mississippi River to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A I don't know.
- Q Did any Choctaw ancestor of yours own any improvement on land in the old Choctaw Nation in 1830? A I don't know.
- Q Did any Choctaw ancestor of yours go before a commission in 1837 or before a commission in 1842 and claim any benefits under article fourteen of the treaty of 1830? A I don't know.

These Commissions were appointed one by an act of Congress approved March 3, 1837 and the other by an act approved August 23, 1842 for the purpose of hearing Indians who tried to register under article fourteen of the treaty of 1830, but whom Colonel Ward would not allow to register, and because he would not allow them to do this, these Indians had their lands taken from them and sold by the government at its public land sales.

- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A I don't know.

This scrip was issued under the act of Congress approved August 23, 1842 and was given to those Choctaw Indians who proved their right under article fourteen of the treaty of 1830 and also proved that their land in the old Choctaw Nation had been taken from them by the government and sold at its public land sales.

- Q Do you understand or speak the Choctaw language? A No, sir.

This applicant will be allowed thirty days time from this date in which to introduce other proof in this case.

By attorney:

- Q What information have you that your great great grandfather Charles Harper attempted to get land in Mississippi about 1830 as a Choctaw Indian? A No proof.
- Q I didn't ask the proof, I asked for information, what information have you? A Haven't any.
- Q You never heard it spoken in your family? A Not that I remember of.
- Q If you have you don't remember it? A No, sir.

By Commission:

This applicant had blue gray eyes, light complexion, light hair, doesn't understand the Choctaw language and has no knowledge of a compliance on the part of his ancestors with any of the provisions of article fourteen.

7117-4

Chas. Diffendaffer, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause taken at Muskogee, Indian Territory, March 19, 1903, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

*Chas. Diffendaffer*

Subscribed and sworn to before me this 30th day of April 1903.

*Charles H. Sawyer*

Notary Public.



M C R 6880  
M C R 7117

Muskogee, Indian Territory, March 28, 1903.

Thomas & Harrison,

Attorneys at Law,

Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 24th instant, enclosing affidavit of Nancy Haskins relative to the marriage of James Turnbull and Matilda Nevils, offered in support of the application made by James Turnbull for the identification of himself and minor children as Mississippi Choctaws.

Also certificate of marriage between Chester Harper and Leona Rowe offered in support of the application made by Chester Harper for the identification of himself and minor children as Mississippi Choctaws.

Said documents have been filed in the respective cases.

Respectfully,

Chairman.



M C R 7117

Muskogee, Indian Territory, April 10, 1903.

Thomas & Harrison,

Attorneys at Law,

Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 8th instant, enclosing Clerk's certificate of marriage signed by X. F. Beidler, County Clerk of Logan County, Illinois, relative to the marriage between John Harper and Miss America Rigdon, offered in support of the application made by Chester Harper for the identification of himself and minor children as Mississippi Choctaws. The same has been filed with the record in this case.

Respectfully,

Chairman.

M.C.R. 7117.

Muskogee, Indian Territory, November 6, 1903.

Chester Harper,  
Newkirk, Oklahoma.

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of your application for identification of yourself and minor children as Mississippi Choctaws and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M.C.R. 7117.

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,

Attorneys-at-Law,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission has this day notified Chester Harper that he will be allowed thirty days from this date in which to submit further evidence in support of his application for identification of himself and his minor children as Mississippi Choctaws and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

Muskogee, Indian Territory, March 19, 1904.

Chester Harper,  
Newkirk, Oklahoma.

Dear Sir:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which the application made by you for the identification as Mississippi Choctaws of yourself and your two minor children Byron, and Virginia Harper, was made a part, refusing said application.

You are further advised that a copy of such decision has been furnished your attorneys of record, Thomas & Harrison, Muskogee, Indian Territory; that the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted to the Secretary of the Interior for his consideration with such argument and brief as may be submitted by your attorneys of record.

Respectfully,

Registered

Commissioner in Charge.

M.C.R.-7117.

Muskogee, Indian Territory, June 26, 1905.

Chester Harper,  
Newkirk, Oklahoma,

Dear Sir:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 19th day of March, 1904.

Respectfully,

Chairman.

7117-

No. 7117

## FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 19 1903

Name Chester Harper

Age 32

Blood 1/8

Post Office, Newkirk, Okla.

Father John Harper, I

Mother America " I

Claims through father 1/4  
Wife.Lemna Harper, I. W.  
No claim for wife

Children:

7 Byron Harper, 10  
Virginia 8Claims for  
self & 2 minors

Stenographer Chas. L. [unclear]

FOR IDENTIFICATION  
A MISSISSIPPI CHOCTAW.

Chester Harper, et al

DECISION RENDERED.

MAR 11 1904

COPY OF DECISION FORWARDED  
ATTORNEY FOR CHOCTAW AND  
CHICKASAW NATIONS

MAR 11 1904

NOTICE OF DECISION MAILED APPLICANT. MAR 19 1904

COPY OF DECISION FORWARDED  
ATTORNEY FOR APPLICANT.

MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED BY  
SECRETARY OF INTERIOR.

MAR 11 1904

NOTICE OF DEPARTMENTAL  
ACTION MAILED APPLICANT.

JUN 26 1904

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT.

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

REFER TO M.C.B. 5670

Choctaw MCR 7118

Edward J. Harper

MCR 7118



Department of the Interior  
Commission to the Five Civilized Tribes  
Muskogee, I.T. March 19, 1903.

---o---

In the matter of the application of Edward J. Harper for the identification of himself and his ~~minor~~ child, Edwin Alvin Harper as Mississippi Choctaws.

Thomas & Harrison attorneys.

Edward J. Harper being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A Edward J. Harper.  
Q What is your age? A Thirty-three.  
Q What is your post office address? A Bloomington, Illinois, #1313 W. Walnut ST.  
Q How long have you lived in Illinois? A About thirty years.  
Q Where were you born? A Born in Logan county Illinois.  
Q Is your father living? A Yes, sir.  
Q Is your mother? A Yes, sir.  
Q What is your father's name? A Montford M. Harper.  
Q What is your mother's name? A Elizabeth E. Harper.  
Q Through which parent do you claim Choctaw blood? A Through my father.  
Q How much do you claim? A One-eighth.  
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No, sir.  
Q Are you married? A Yes, sir.  
Q What is your wife's name? A Nancy E. Harper.  
Q What is her race? A White.  
Q Do you make claim for her? A No, sir.  
Q How many children have you? A One child.  
Q What is that child's name? A Edwin Alvin.  
Q How old is he? A Twelve years.  
Q Is Nancy E. Harper the mother of this child? A Yes, sir.  
Q Have you the proof of your marriage with you? A Yes, sir.

The certificate of marriage of Edward J. Harper and Lissie Shore is presented by applicant, marked exhibit "A" and made a part of the record in this case.

- Q Who is Lissie Shore? A Nancy E. Shore, in making out the certificate there was a mistake in the names.  
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.  
Q Have you ever made application for citizenship in the Choctaw Nation for yourself and child either to the Choctaw tribal authorities in Indian Territory or to the Dawes Commission under the act of Congress of June 10, 1896? A No, sir.

- Q Have you or your child ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States authorities in Indian Territory? A No, sir.
- Q Do you come before the Commission now to identify yourself and ~~ix~~ this child as Mississippi Choctaws? A Yes, sir.
- Q Do you claim under article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand that article? A Well I can't say that I can.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September. The object of the treaty was to remove the Choctaw Indians from the old Choctaw Nation east of the Mississippi River to the Choctaw Nation Indian Territory. Before this treaty was signed it became known that a great many Choctaws would not go from the old nation to the Choctaw Nation Indian Territory and in order to protect the interest of those Indians who preferred to stay in the old Choctaw Nation, article fourteen was put into the treaty. Article fourteen is the article under which you make your claim and is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under then years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied with that article or tried to? A No, sir I don't know.
- Q What is the name of your Choctaw ancestor through whom you make your claim to be identified now as a Mississippi Choctaw? A Charles Harper.
- Q What relation was he to you? A Great great grandfather.
- Q How much Choctaw blood did he have? A Supposed to be full blood.
- Q Do you know anything about his wife? A No, sir, I do not.
- Q Did he live in Mississippi or Alabama in the old Choctaw Nation in 1830 and have a family at that time? A I have heard that my grandparent speak of him as being in Mississippi.

- Q At what time do you know? A I don't know.
- Q Do you know whether within six months after the treaty of 1830 was ratified he went to colonel Ward, the United States Indian agent, and tried to register under article fourteen of the treaty of 1830? A No, sir I don't know.
- Q Did he own any land in the old Choctaw Nation, or claim any, live upon that land for a period of five years and then get a patent from the government for it? A I don't know.
- Q Did he claim any land in the old Choctaw Nation under article fourteen of the treaty of 1830? A I couldn't say.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi River to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A I don't know.
- Q Did any of your Choctaw ancestors own any improvement on land in the old Choctaw Nation in 1830? A I don't know.
- Q Did any of them go before a commission in 1837 or a commission in 1842 and claim any benefit under article fourteen of the treaty of 1830? A I don't know.

After these Choctaw Indians had tried to register under Colonel Ward in 1831 under article fourteen of the treaty of 1830 and had been refused by him land on which they lived and wished reserved had been disposed of, and they had tried to get their lands by going before a commission which was appointed in 1837 and later on another commission in 1842, which was appointed by an act of Congress approved August 23, 1842, of that year, this commission also heard Indians who claim that they tried to register under Colonel Ward and had been refused. These two commissions heard claims of these Indians and made lists of their names.

- Q Do you know if any of your ancestors went before either commission and claimed any right under article fourteen of the treaty of 1830? A I don't know.
- Q Did any Choctaw ancestor receive any scrip from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A I don't know.

This scrip was issued under the act of Congress of August 23, 1842 and was given to Choctaw Indians who proved their right under article fourteen of the treaty of 1830 and also proved that their land in the old Choctaw Nation had been taken from them by the government and sold.

- Q Do you understand or speak the Choctaw language? A No, sir, use to understand a few words, can't say I understand the language.
- Q Are you related to Diadama Harper? A Yes, sir.
- Q What relation? A Cousin.
- Q How related to Cheaster Harper? A Cousin.

This applicant will be allowed thirty days time from this date in which to introduce further proof in this case.

By attorney:

- Q Have you any information other than you have testified to that your great great grandparent attempted to get land in Mississippi about 1830 or did get land in Mississippi about that time as a Choctaw Indian? A No, sir.
- Q Do you know from family history and tradition, or otherwise, the name of the father of Charles Harper, your great great grandfather? A No, sir I don't know.
- Q Do you recollect the name of your great grandfather? A My great grandfather was Charles Harper.
- Q And your great great grandfather was also Charles? A Yes, sir.
- Q Do you recollect the name of your great grandmother? A Yes, sir it was Cheatham.
- Q Do you remember the name of your great great grandmother? A No, can't do that.
- Q When you say Cheatham and refer to that as the name of your Choctaw ancestor, do you undertake to say that she was your great grandmother or your great great grandmother? A Great great grandmother.
- Q Then if you said a moment ago that she was your great grandmother you were mistaken about that were you? A Yes, sir.

By Commission:

This applicant has the appearance and physical characteristics and of being descended from white parentage, blue eyes, medium fair complexion, dark brown hair, has no knowledge of the Choctaw language.

Chas. Diffendaffer, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause taken in at Muskogee, Indian Territory, March 19, 1903, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

*Chas. Diffendaffer.*

Subscribed and sworn to before me this 30 th day of April 1903.

*Charles H. Sawyer*

Notary Public.

M.C.R. 7118  
" 7266  
" 7333

Muskogee, Indian Territory, April 2, 1903.

Thomas & Harrison,

Attorneys at Law,

Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 26th ultimo, enclosing original marriage certificate between J.C. Harper and Mary Prince, offered in support of the application made by John Clifton Harper for identification as a Mississippi Choctaw; certified copy of marriage record between M.T. Harper and Louisa A. Harper, offered in support of the application made by Annie E. Harper for identification as a Mississippi Choctaw and affidavits of Nancy E. Harper and Temia Shore, offered in support of the application made by Edward J. Harper for the identification of himself and minor children as Mississippi Choctaws.

The same have been filed with the records in these respective cases.

Respectfully,

Commissioner in Charge.

M C R 7118

Muskogee, Indian Territory, April 7, 1903.

Thomas & Harrison,

Attorneys at Law,

Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 2nd instant, enclosing affidavit of N. J. Shore relative to an error in the name of the wife of Edward J. Harper, offered in support of the application made by Edward J. Harper for the identification of himself and minor child as Mississippi Choctaws. The same has been filed with the record in this case.

Respectfully,

M.O.F. 7118.

Muskogee, Indian Territory, November 6, 1903.

Edward J. Harper,  
Bloomington, Illinois.

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of your application for identification of yourself and minor child as Mississippi Choctaws and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.



M.C.R. 7118.

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,

Attorneys-at-Law,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission has this day notified Edward J. Harper that he will be allowed thirty days from this date in which to submit further evidence in support of his application for identification of himself and minor child as Mississippi Choctaws and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Commissioner in Charge.



M C R 7118

Muskogee, Indian Territory, March 19, 1904.

Edward J. Harper,  
#1313 West Walnut Street,  
Bloomington, Illinois.

Dear Sir:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which your application for the identification as Mississippi Choctaws of yourself and your minor child, Edwin A. Harper, was made a part, refusing said application.

You are further advised that a copy of such decision has been furnished your attorneys of record, Thomas & Harrison, Muskogee, Indian Territory; that the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted to the Secretary of the Interior for his consideration with such argument and brief as may be submitted by your attorneys.

Respectfully,

Registered

Commissioner in Charge.

M.C.R.-7118.

Muskogee, Indian Territory, June 26, 1905.

Edward J. Harper,  
1313 West Walnut St.,  
Bloomington, Illinois.

Dear Sir:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 19th day of March, 1904,

Respectfully,

Chairman,

7118

No.

7118

## FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 19 1903

Name Edward J. Harper.

Age

33

Blood

1/4

Post Office, Bloomington, Ill.  
1313 West Walnut St.

Father: Montford M. Harper. l

Mother: Elizabeth E. " l

Claims through

father -  
wife.Nancy E. Harper. l. w  
No claim for wife -

Children:

Edward - A. Harper, 12

Claims for neg &  
one child -

Stenographer Chas. Lippard &amp; Son.

REFUSED  
FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW

Edward J. Harper, et al

DECISION RENDERED.

MAR 4 1904

COPY OF DECISION FORWARDED  
ATTORNEYS FOR CHOCTAW AND  
CHICKSAW NATIONS.

MAR 7 1904

NOTICE OF DECISION MAILED APPLICANT.

MAR 19 1904

COPY OF DECISION FORWARDED  
ATTORNEY FOR APPLICANT.

MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED BY  
SECRETARY OF INTERIOR.

MAR 30 1905

NOTICE OF DEPARTMENTAL  
ACTION MAILED APPLICANT.

JUN 26 1905

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR APPLICANT.

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKSAW NATIONS.

REFER TO M. C. R.

200

Choctaw MCR 7119

Florence C. Harper

MCR 7119

Department of the Interior  
Commission to the Five Civilized Tribes  
Muskogee, I.T. March 19, 1903.

---o---

In the matter of the application of Florence C. Harper for the identification of herself as a Mississippi Choctaw.

Thomas A. Harrison attorney.

Florence C. Harper being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A Florence C. Harper.  
Q What is your age? A Thirty-one years.  
Q What is your post office address? A Broadwell, Illinois.  
Q How long have you lived there? A All my life.  
Q Is your father living? A Yes, sir.  
Q Is your mother living? A Yes, sir.  
Q What is your father's name? A Montford M. Harper.  
Q Your mother's name is what? A Elizabeth E. Harper.  
Q Do you claim through your father or mother? A Father.  
Q How much Choctaw blood do you claim? A One-eighth.  
Q You claim your father is one-fourth Choctaw Indian? A Yes, sir.  
Q Has he ever been recognized or enrolled as a Choctaw Indian or enrolled as a member of that tribe by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No, sir.  
Q You claim for yourself alone do you? A Yes, sir.  
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No, sir.  
Q Have you ever made any such application to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No, sir.  
Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States court in Indian Territory? A No, sir.  
Q Do you come before the Commission now to be identified as a Mississippi Choctaw? A Yes, sir.  
Q Do you claim under article fourteen of the treaty of 1830? A Yes, sir.  
Q Do you understand that article? A No, sir not thoroughly.  
Q Do you understand it well enough to claim under it? A Yes, sir.

Article fourteen is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the state shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and

forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q That is article fourteen of the treaty of 1830 under which you claim now. Do you know if any of your Choctaw ancestors complied with that article or attempted to? A No, sir.
- Q What is the name of your ancestor through whom you claim now? A Charles Harper.
- Q What relation to you was he? A Great great grandfather.
- Q How much Choctaw blood did he have? A He was supposed to be full blood Choctaw Indian.
- Q What relation are you to Edward J. Harper? A Sister.
- Q And you claim through the same parents? A Yes, sir.
- Q Did he or any of your Choctaw ancestors live in Mississippi or Alabama in 1830 and have a family there at that time? A Not that I know of.
- Q Did Charles Harper live in Mississippi or Alabama? A I don't know.
- Q Did he or any of your Choctaw ancestors go to Colonel Ward within six months after the treaty of 1830 was ratified and tell him that he wanted to stay there, take land there and become citizens of the states? A Not that I know of.
- Q Did any of your Choctaw ancestors live on land in that old Choctaw Nation for five years after the treaty of 1830 was ratified and then get a patent for that land? A Not that I know of.
- Q Did any go from the old Choctaw Nation east of the Mississippi River to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A Not that I know of.
- Q Did any of your Choctaw ancestors own any improvement on land in that old Choctaw Nation in 1830? A Could not say.

In 1837 by an act of Congress approved March 3d of that year commissions were appointed which went to Mississippi and heard claims under article fourteen of the treaty of 1830. These commissions were appointed one in 1837 and the other in 1842 by an act of Congress approved August 23d of that year, for the purpose of hearing Indians who claimed to have registered under article fourteen of the treaty of 1830 and failed because they were prevented from registering by Colonel Ward. These Indians had land in the old Choctaw Nation which was afterwards taken from them and sold by the government because their names were not on Ward's list.

7119-3

- Q Did any of your Choctaw ancestors go before either of these commissions and claim any land under article fourteen? A Not that I know of.
- Q Did any receive scrip from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A Not that I know of.

This scrip was issued under the act of Congress approved August 23, 1842 and was issued to Choctaw Indians who proved their right under article fourteen and also proved that their lands had been taken from them by the government and sold at its public land sales.

This applicant will be allowed thirty days time from this date in which to introduce other proof in this case.

By attorney:

- Q Did you ever hear any information in your family that your great great grandfather, Charles Harper, tried to get land in Mississippi about 1830 as a Choctaw Indian? A No, sir.
- Q Never heard that discussed, if you have you do not now remember it A No, sir.
- Q Did you ever hear mentioned in your family, or do you know it from family history or tradition that your great grandfather Charles Harper was living in Mississippi in 1830? A No, sir.
- Q If you do have you do not now remember? A No, sir.
- Q You don't undertake to state that he was not living there in 1830? A No, sir.
- Q Nor you do not attempt to say he did not get land? A No, sir.

By Commission:

This applicant has the appearance of being descended from white parentage, brown hair, blue eyes, medium fair complexion; has no knowledge of the Choctaw language and no knowledge of a compliance on the part of her ancestors with the provisions of article fourteen.

Chas. Diffendaffer, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause taken at Muskogee, Indian Territory March 19, 1903, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

*Chas. Diffendaffer*

Subscribed and sworn to before me this 30th day of April 1903.

*Charles H. Sawyer*

Notary Public.



M.C.R. 7/19.

Muskogee, Indian Territory, November 8, 1903.

Florence C. Harper,

Bradwell, Illinois,

Dear Madam:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of your application for identification as a Mississippi Choctaw and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M.C.R. 7119.

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,

Attorneys-at-Law,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission has this day notified Florence G. Harper that she will be allowed thirty days from this date in which to submit further evidence in support of her application for identification as a Mississippi Choctaw and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M C R 7119

Muskogee, Indian Territory, March 19, 1904.

Florence C. Harper,  
Broadwell, Illinois.

Dear Madam:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which your application for identification as a Mississippi Choctaw was made a part, refusing said application.

You are further advised that a copy of such decision has been furnished your attorneys of record, Thomas & Harrison, Muskogee, Indian territory; that the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted to the Secretary of the Interior for his consideration with such argument and brief as may be submitted by your attorneys.

Respectfully,

Commissioner in Charge.

Registered

M.C.R.-7119.

Muskogee, Indian Territory, June 26, 1905.

Florence C. Harper,  
Broadwell, Illinois.

Dear Madam:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of the Commission, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers et al., of which decision you were advised by registered mail on the 19th day of March, 1904.

Respectfully,

Chairman.

7119

No. 7119

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 19 1907

Name Florence C. Harper

Age 31

Blood 1/8

Post Office, Broadwell, Ill.

Father: Moniford M. Harper

Mother: Elizabeth E. "

Claims through father 1/4

Children:

Claims for self  
alone

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCOTAW

*Florence C. Harper*

DECISION RENDERED

MAR 4 1904

COPY OF DECISION FORWARDED  
ATTORNEYS FOR CHOCTAW AND  
CHICKASAW NATIONS

MAR 14 1904

NOTICE OF DECISION MAILED APPLICANT:

MAR 19 1904

COPY OF DECISION FORWARDED  
ATTORNEY FOR APPLICANT

MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED  
SECRETARY OF INTERIOR.

MAR 2 1905

NOTICE OF DEPARTMENTAL  
ACTION MAILED APPLICANT.

JUN 26 1905

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

REFER TO M. C. R.

5570

Choctaw MCR 7120

John F. Harper

MCR 7120



Department of the Interior  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. March 19, 1903.

---o---

In the matter of the application of John F. Harper for the identification of himself as a Mississippi Choctaw.

Thomas & Harrison attorneys.

John F. Harper being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A John F. Harper.  
Q What is your age? A Twenty-nine.  
Q What is your post office address? A Peoria, Illinois.  
Q How long have you lived there? A Since last June.  
Q Where were you born? A Logan county Illinois.  
Q Have you always lived in Illinois? A No, sir was in Texas from 1893 to 1898.  
Q Where in Texas? A Denison.  
Q Is your father living? A Yes, sir.  
Q Is your mother living? A Yes, sir.  
Q What is your father's name? A Montford M. Harper.  
Q What is your mother's name? A Elizabeth E. Harper.  
Q Through which parent do you claim Choctaw blood? A Father.  
Q How much Choctaw blood do you claim? A One-eighth.  
Q You claim your father was one-quarter? A Yes, sir.  
Q Has he ever been recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No, sir.  
Q What is your wife's name? A Grace B Harper.  
Q Is she living? A Yes, sir.  
Q What is her race? A White.  
Q Do you claim for your wife? A No, sir.  
Q Have you children? A No, sir.  
Q Claim for yourself? A Yes, sir.  
Q Is your name on any tribal roll of the Choctaw Nation in Indian Territory? A No, sir.  
Q Have you ever made application for citizenship in Indian Territory to the Choctaw tribal authorities or to the Dawes Commission under the act of Congress of June 10, 1896? A No, sir.  
Q Have you ever been admitted to citizenship by any authority whatever, either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No, sir.  
Q Do you come before the Commission now to identify yourself as a Mississippi Choctaw? A Yes, sir.  
Q Do you claim under article fourteen of the treaty of 1830? A Yes, sir.  
Q Do you understand that article? A Yes, sir.

That article is as follows:



"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over the ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q That is article fourteen of the treaty of 1830. Did any of your ancestors comply or attempt to comply with any of the provisions of that article? A No, sir.
- Q What is the name of your ancestor that you are claiming through now? A Charles Harper.
- Q What relation to you was he? A Great great grandfather.
- Q How much Choctaw blood did he have? A Full blood.
- Q Where did he live in 1830 if you know? A I don't know.
- Q Do you know if he lived in Mississippi or Alabama at that time and had a family there then? A No, sir.
- Q Do you know where he was born and when? A No, sir.
- Q Or when and where he died? A No, sir.
- Q Or where he lived during any portion of his life? A No, sir.
- Q Did he or any ancestor of yours live on land in the old Choctaw Nation ~~was~~ after the treaty of 1830 was ratified and at the end of that time get a patent from the government? A No, sir.
- Q Did he or any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi River to the Choctaw Nation Indian Territory with the other Indians between the years 1833 and 1838? A I don't know.
- Q Or at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A I don't know.
- Q Did any of your Choctaw ancestors go to Colonel Ward the United States Indian agent within six months from the ratification of the treaty of 1830 and register or attempt to register under article fourteen of that treaty? A Not that I knew of.
- Q Did any of your Choctaw ancestors own any improvement on land in the old Choctaw Nation in 1830? A I don't know.

In 1837 by an act of Congress approved March 3d, and also in 1842 by an act approved August 23, 12 of that year, commissions were appointed which went to Mississippi and heard claims under article fourteen of the treaty of 1830. These commissions were appointed ~~in~~ under various acts of Congress because of the complaints made by Choctaw Indians that they had tried to register under article fourteen of the treaty of 1830 within six months

from the ratification but were prevented from so doing by Colonel Ward the Indian Agent, and because they were not put on his list they lost their lands which was taken from them by the government and sold.

- Q Do you know if any of your Choctaw ancestors went before either of these commissions claiming rights under article fourteen of the treaty of 1830? A No, sir.
- Q Did any receive scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A Not that I know of.

This scrip was issued under the act of congress approved August 23, 1842 and was issued to Choctaw Indians who proved their right under article fourteen of the treaty of 1830 and also proved that their land had been taken from them and sold by the government.

- Q Do you understand Choctaw or speak that language? A No, sir.

Thirty days time is allowed this applicant from this date in which to introduce other proof in this case.

By attorney:

- Q You stated in answer to the question if any of your Choctaw ancestors complied with the provisions of the fourteenth article of the treaty of 1830, in answer "No sir". Did you mean to say by that answer that no one of your ancestors so complied with that article or that you don't know? A I don't know.
- Q Then is it your desire to change your answer to the statement that you don't know? A Yes, sir.

By Commission:

This applicant has dark brown hair, gray eyes, medium dark somewhat ruddy complexion, has no knowledge of the Choctaw language, his profile is that of an Indian his complexion that of a white man.

---0---

Chas. Diffendaffer, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause taken at Muskogee, Indian Territory March 19, 1903, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

*Chas. Diffendaffer*

Subscribed and sworn to before me this 30th day of April 1903.

*Charles H. Sawyer*  
Notary Public.

M.C.R. 7180.

Muskogee, Indian Territory, April 8, 1903.

Thomas & Harrison,

Attorneys at Law,

Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 28th ultimo, enclosing certificate of marriage between John F. Harper and Grace B. Sparks, offered for filing in support of the Mississippi Choctaw case of John F. Harper.

The same has been filed with the record in this case.

Respectfully,

Commissioner in Charge.

M.C.R. 7190

Muskogee, Indian Territory, November 8, 1903.

John F. Harper,  
Peoria, Illinois,

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of your application for identification as a Mississippi Choctaw and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

N.C.R. 7120.

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,

Attorneys-at-Law,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission has this day notified John F. Harper that he will be allowed thirty days from this date in which to submit further evidence in support of his application for identification as a Mississippi Choctaw and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

Muskogee, Indian Territory, March 19, 1904.

Mr. John F. Harper,  
Peoria, Illinois.

Dear Sir:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which your application for identification as a Mississippi Choctaw was made a part, refusing said application.

You are further advised that a copy of such decision has been furnished your attorneys of record, Thomas & Harrison, Muskogee, Indian Territory; that the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted to the Secretary of the Interior for his consideration with such argument and brief as may be submitted by your attorneys.

Respectfully,

Registered

Commissioner in Charge.

COMMISSIONERS:  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

WM. O. BEALL,  
Secretary.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:

M.C.R.-7120.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, June 26, 1905.

John S. Harper,  
Peoria, Illinois.

Dear Sir:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 19th day of March, 1904.

Respectfully,

  
Chairman.



MOR 9120

Muskogee, Indian Territory, August 11, 1905.

J. W. Jones,

Glasgow, Kentucky.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 22nd ultimo, by reference from the Secretary of the Interior. Therein you ask to be advised the present status of the Mississippi Choctaw application of John F. Harper and if anything further is required of him.

In reply you are informed it appears from the records of this office that the Mississippi Choctaw application of John F. Harper is a part of the consolidated Mississippi Choctaw case of Jasper Chambers, et al., M C R 5670, in which case a decision adverse to all the applicants was rendered by the Commission to the Five Civilized Tribes on March 4, 1904.

On March 30, 1905, the Secretary of the Interior affirmed the decision above referred to. The case is therefore considered closed and this office is without authority to receive or consider any further evidence in support thereof.

Respectfully,

Acting Commissioner.



Muskogee, Indian Territory, September 8, 1905.

J. W. Jones,

Glasgow, Kentucky.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 2nd instant, in reference to the Mississippi Choctaw application of John F. Harper. You request to be advised on what grounds his claim was rejected and state that no notice was ever received by Harper of any action on his claim.

In reply you are informed that it appears from the records of this office that on March 19, 1903, John F. Harper, then about twenty-nine years of age, of Peoria, Illinois, son of Montford M. and Elizabeth M. Harper, appeared before the Commission to the Five Civilized Tribes at its general office at Muskogee, Indian Territory, and submitted his application for identification as a Mississippi Choctaw. Said application was consolidated with and made a part of the Mississippi Choctaw case of Jasper Chambers, et al.

On March 4, 1904, the Commission to the Five Civilized Tribes rendered a decision refusing to identify as Mississippi Choctaws all the persons included in said consolidated case. Notice was furnished all the applicants by registered mail of this action, and this office has in its possession a return registry

J W J 2

receipt bearing the signature "John F. Harper" , for the notice sent him.

June 13, 1904, the record in the consolidated case above referred to, together with the Commission's decision adverse to all the applicants, was transmitted to the Department for consideration, and on March 30, 1905, the Secretary of the Interior affirmed the decision of the Commission refusing to identify as Mississippi Choctaws the several persons included in the case.

Notice of departmental action was, on June 26, 1905, forwarded all the applicants, and as the Commission to the Five Civilized Tribes had not been advised of any change in the post office address of John F. Harper since the date of the submission of his application, the notice addressed to him was sent to Peoria, Illinois. The same was returned to this office marked "unclaimed", on August 1, 1905.

In the identification of Mississippi Choctaws it is required that they not only show that they are possessed of Choctaw blood, but that they must also show that they are descendants of Choctaw ancestors who resided in the old Choctaw Nation in the States of Mississippi and Alabama in 1830 and that such ancestors complied with the provisions of the fourteenth article of the Choctaw treaty of 1830, or subsequently had their claims arising thereunder adjudicated by either of the two commissions authorized for

J W J 3

this purpose by the acts of Congress of March 3, 1837 and August 23, 1842.

The applicants in the case in question failed to submit sufficient proof to establish the fact that they were the descendants of a Choctaw ancestor who complied with the provisions of the 14th article of the Choctaw treaty of September 27th, 1830.

Respectfully,

Acting Commissioner.

994-1907  
13592-1907

Muskogee, Indian Territory, November 6, 1907.

Mr. John F. Harper,  
Glasgow, Kentucky.

Sir:

Receipt is acknowledged of your letter of October 15th, by reference from the Commissioner of Indian Affairs, Washington, D. C. You state that several years ago you filed a claim with the Commission to the Five Civilized Tribes and now desire to know what became of it.

In reply you are advised the records of this office show that on March 19, 1903, John F. Harper, then about twenty-nine years of age, of Peoria, Illinois, son of Montford M. and Elizabeth E. Harper, appeared before the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, and submitted an application for identification as a Mississippi Choctaw. The Commission rendered a decision on March 4, 1904, refusing said application and this action was affirmed by the Secretary of the Interior March 30, 1905, since which time the case has been considered closed.

Respectfully,

Commissioner.

McM

7120

No.

7120

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

MAR 19 1900.

Date

Name

John F. Harper.

Age

29

Blood

'18

Post Office,

Peoria, Ill.

Father:

Monford M. Harper. l

Mother:

Elizabeth E. " l

Claims through

father - '14 -

Wife.

Grace B. Harper. l. w.

No claim for wife.

Children:

Claims for self

Stenographer

Charles J. Jones

MUSKOGEE  
JUL 30 10 PM  
IND. T.

PAID  
Aug 1 - 05  
COMMISSIONER TO THE

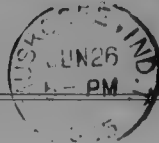
JUN 27  
7-30P  
1905



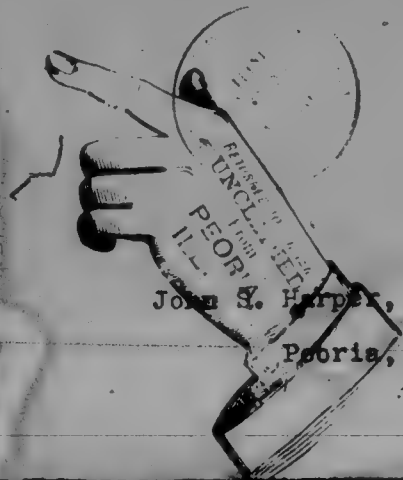
Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

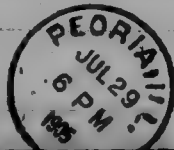


7/20



JOHN A. HARPER,

Peoria, Illinois.



FILED  
FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.

John F. Harper

DECISION RENDERED.

MAR 4 1904

COPY OF DECISION FORWARDED  
ATTORNEYS FOR CHOCTAW AND  
CHICKASAW NATIONS.

MAR 4 1904

NOTICE OF DECISION MAILED APPLICANT. MAR 19 1904

COPY OF DECISION FORWARDED  
ATTORNEY FOR APPLICANT.

MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED BY  
SECRETARY OF INTERIOR.

MAR 31 1905

NOTICE OF DEPARTMENTAL  
ACTION MAILED APPLICANT.

JUN 24 1905

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT.

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR CHOCTAW  
AND CHICKASAW NATIONS.

REFER TO M. O. R. 5670



Choctaw MCR 7121

Richard Harper

MCR 7121

✓

Department of the Interior  
Commission to the five Civilized Tribes.  
Muskogee, I.T. March 19, 1903.

---Q---

In the matter of the application of Richard Harper for the identification of himself, his wife Alice Harper, and his five minor children, Annie Belle, Alvin, James Wesley, Lyle and Clara Jane Harper, as Mississippi Choctaws.

Thomas & Harrison attorneys.

Richard Harper being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A Richard Harper.  
Q What is your age? A Forty-nine.  
Q What is your post office address? A Linclon, Illinois.  
Q How long have you lived in Illinois? A Lived there all my life except twenty years when away.  
Q Where were you born? A Iowa.  
Q And lived there how long? A Lived there when a small child.  
Q And went to what state? A Illinois.  
Q At what place were you born in? A Keokuk.  
Q Where did you live the rest of the time that you lived out of Illinois? A State of Nebraska.  
Q For about how long? A 1879 to 1895.  
Q Is your father living? A No, sir.  
Q Is your mother living? A No, sir.  
Q What was your father's name? A William.  
Q William Harper? A Yes, sir.  
Q What was your mother's name? A Rebecca.  
Q Do you claim through your father? A Yes, sir.  
Q How much choctaw blood do you claim? A One-fourth blood.  
Q Do you claim your father was one-half Choctaw? A Yes, sir.  
Q Has he been recognized as a Choctaw Indian or enrolled as one by the Choctaw tribal authorities or the United States authorities in Indian Territory? A Not that I know of.  
Q What is your wife's name? A Alice Harper.  
Q What is her race? A Well she is the same as I am.  
Q White and Indian? A Yes, sir, she was Harper before I married her.  
Q Do you make claim for your wife? A I want to if I can.  
Q If you are a Choctaw Indian and you claim your wife has Choctaw Indian blood you can make application for her? A Well Yes, sir, if I can.  
Q What is your wife's age? A Forty-two.  
Q How much choctaw blood do you claim for her? A Quarter blood.  
Q What was her father's name? A Baldwin Harper.  
Q What was her mother's name? A Permelia.  
Q Is Baldwin Harper living? A No, sir.  
Q Is his wife Permelia living? A No, sir.

7121-2

- Q Does she claim through her father or mother? A Through her father.
- Q You claim your wife is one-quarter? A Yes, sir.
- Q How many children have you? A Seven in all.
- Q Are they all under age and unmarried? A No, sir just five under age.
- Q What is the name of the oldest one under age? A Annie Belle Harper.
- Q How old? A Eighteen.
- Q The next? A Alvin.
- Q How old? A Seventeen.
- Q The next? A James Wesley.
- Q How old? A Fourteen.
- Q The next? A Lyle?
- Q Boy? A Yes, sir.
- Q How old? A Eleven.
- Q The next? A Clara Jane.
- Q How old? A Eight years old.
- Q Is that all the minors? A Yes, sir.
- Q You claim for yourself, wife and these minor children do you? A Yes, sir.
- Q Has your wife's father through whom she claims her right to be identified as a Mississippi Choctaw ever been recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A I don't know.
- Q Have you the proof of your marriage with you wife Alice Harper with you? A Yes, sir.

Clerk's certificate of marriage of Richard Harper and Miss Alice Harper, presented, Marked exhibit "A" and made a part of the record in this case.

- Q Are your names, the name of your wife or any of your minor children on any of the tribal roll of the Choctaw Nation in Indian Territory? A No, sir.
- Q Have you or your wife ever made application for citizenship in the Choctaw Nation to either the Choctaw tribal authorities or to the Dawes Commission under the act of Congress approved June 10, 1896? A No, sir.
- Q Have you or your wife or any of your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States court in Indian Territory? A No, sir.
- Q Is this the first application for citizenship that you have ever made for yourself, your wife and children as members of the Choctaw tribe? A Yes, sir.
- Q Do you come before the Commission at this time to be identified as a Mississippi Choctaw and to identify your wife and children as Mississippi Choctaws? A Yes, sir.
- Q You claim under article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand that article? A Well I have read it I think I do, yes, sir.

It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of ~~sk~~ land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your ancestors or your wife's ancestors complied with any of the provisions of that article of that treaty? A I have no positive proof.
- Q What is the name of your Choctaw ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Charles Harper.
- Q And does your wife also claim through the same ancestor? A Yes, sir.
- Q She was a Harper before she married you? A Yes, sir.
- Q And what relation are you to her? A First cousins.
- Q Your wife's father and your father were how related? A They were brothers.
- Q And her father was Baldwin? A Yes, sir.
- Q And your father was whom? A William Harper.
- Q And they claimed through their father? A Charles Harper.
- Q And is that the Charles Harper that you have given as the same common ancestor? A Yes, sir.
- Q What relation is he to you? A My grandfather.
- Q How much Choctaw blood did Charles Harper, your ancestor and your wife's ancestor have? A Full blood.
- Q Was your father one-half blood Choctaw? A Yes, sir.
- Q And was your wife's father? A Yes, sir.
- Q Did your great ancestor Charles Harper live in Mississippi or Alabama in 1830 and have a family there then? A I don't know.
- Q Did he or any Choctaw ancestor of yours or your wife live on land in the old Choctaw Nation either in Mississippi or Alabama for five years and then get a patent from the government for that land? A I don't know.
- Q Did any of your Choctaw ancestors or of your wife, Charles Harper, or any other go to Colonel Ward within six months after the treaty was ratified and register or attempt to register under article fourteen of that treaty? A I couldn't say positive, I have been informed that he did go.
- Q You have been informed that he tried to register? A Yes, sir.
- Q Did they succeed? A I couldn't say.

- Q Did any of your Choctaw ancestors or of your wife go from that old Choctaw Nation east of the Mississippi River to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A I don't know.
- Q Did any Choctaw ancestor of yours or your wife own any improvement in the old Choctaw Nation in 1830? A I don't know.

This article was put into the treaty of 1830 for the special benefit of Choctaw Indians who stayed in the old Choctaw Nation. Now when it became known that some of them would not go to the Choctaw Nation Indian Territory they attempted to register under Colonel Ward, he refused a good many the right to register and these Indians made complaint, and in 1837 and also in 1842 commissions were appointed to hear the complaints of these Indians who had tried to register under Colonel Ward.

- Q Do you know if any of your Choctaw ancestors or any of your wife's ancestors went before either of these commissions and claimed any benefit or any right under article fourteen of the treaty of 1830? A No, sir.
- Q Did any Choctaw ancestor of yours or your wife's ancestors, receive any scrip or certificate from the government which entitled them to select land either in Mississippi, Alabama or Arkansas? A No, sir, not that I know of.

This scrip was issued under an act of Congress approved August 23, 1842 and was given to Choctaw Indians who proved their right under article fourteen of the treaty of 1830 and who also proved that their land in the old Choctaw Nation had been taken from them and sold by the government at its public land sales.

- Q Do you or your wife speak the Choctaw language? A No, sir.
- Q If you claim one-fourth and your wife claims one-fourth how much do you claim for the children? A one-fourth.

Thirty days time is allowed this applicant from this date in which to introduce other proof in this case.

This applicant has the physical characteristics and appearance of being descended from white parentage, has dark hair nearly black, rather dark complexion, brown eyes, whiskers black and gray mustache brown; has no knowledge of the Choctaw language and no knowledge of a compliance of any of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

---o---

Chas. Diffendaffer, being first duly sworn states that as stenographer to the commission to the Five Civilized Tribes he re-

22  
7121-5

ported the proceedings had in the above entitled cause taken at Muskogee, Indian Territory March 19, 1903, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

*Chas. Diffendaffer.*

Subscribed and sworn to before me this 30th day of April 1903.

*Charles H. Sawyer*  
Notary Public.



M C R 7121

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,

Attorneys-at-Law.

Muskogee, Indian Territory,

Gentlemen:

You are hereby advised that the Commission has this day notified Richard Harper that he will be allowed thirty days from this date in which to submit further evidence in support of his application for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Commissioner in Charge.

M C R 7121

Muskogee, Indian Territory, November 6, 1903.

Richard Harper,

Lincoln, Illinois.

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of yourself, your wife, and minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Commissioner in Charge.



Muskogee, Indian Territory, March 19, 1904.

Richard Harper,  
Lincoln, Illinois,

Dear Sir:

You are hereby advised that on March 4, 1904 the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which the application made by you for the identification as Mississippi Choctaws of yourself and your wife Alice Harper, and your five minor children, Annie B., Alvin, James W., Lyle, and Clara J. Harper, was made a part, refusing said application.

You are further advised that a copy of such decision has been furnished your attorneys of record, Messrs. Thomas & Harrison, Muskogee, Indian Territory; that the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted to the Secretary of the Interior for his consideration with such argument and brief as may be submitted by your attorneys of record.

Respectfully,

Registered.

Commissioner in Charge.

M.C.R.-7121.

Muskogee, Indian Territory, June 26, 1905.

Richard Harper,  
Lincoln, Illinois.

Dear Sir:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 19th day of March, 1904.

Respectfully,

Chairman.

7121

No. 7121

## FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

Name Richard Harper

Age 49 - Blood 1/4

Post Office, Lincoln, Ill.

Father: William Harper, d

Mother: Rebecca " d

Claims through father 1/2

Wife,

Alice Harper l. w. <sup>and Indian</sup>Claims for wife 42 1/4  
father Baldwin Harper, d

mother, Permelia " - d

wife claims thro her  
father - (father 1/2)

children -

Annie B. Harper, 18

Alvin " 17

~~James~~

James W. " 14

Lyle " M. 11

Clara J. " 8

Claims for prop. wife  
and 5 minors

Stenographer the respondent

R. 71

Richard Harper et al.

1904

4

RECEIVED BY THE DEPARTMENT OF THE INTERIOR

RECORD FORWARDED DEPARTMENT

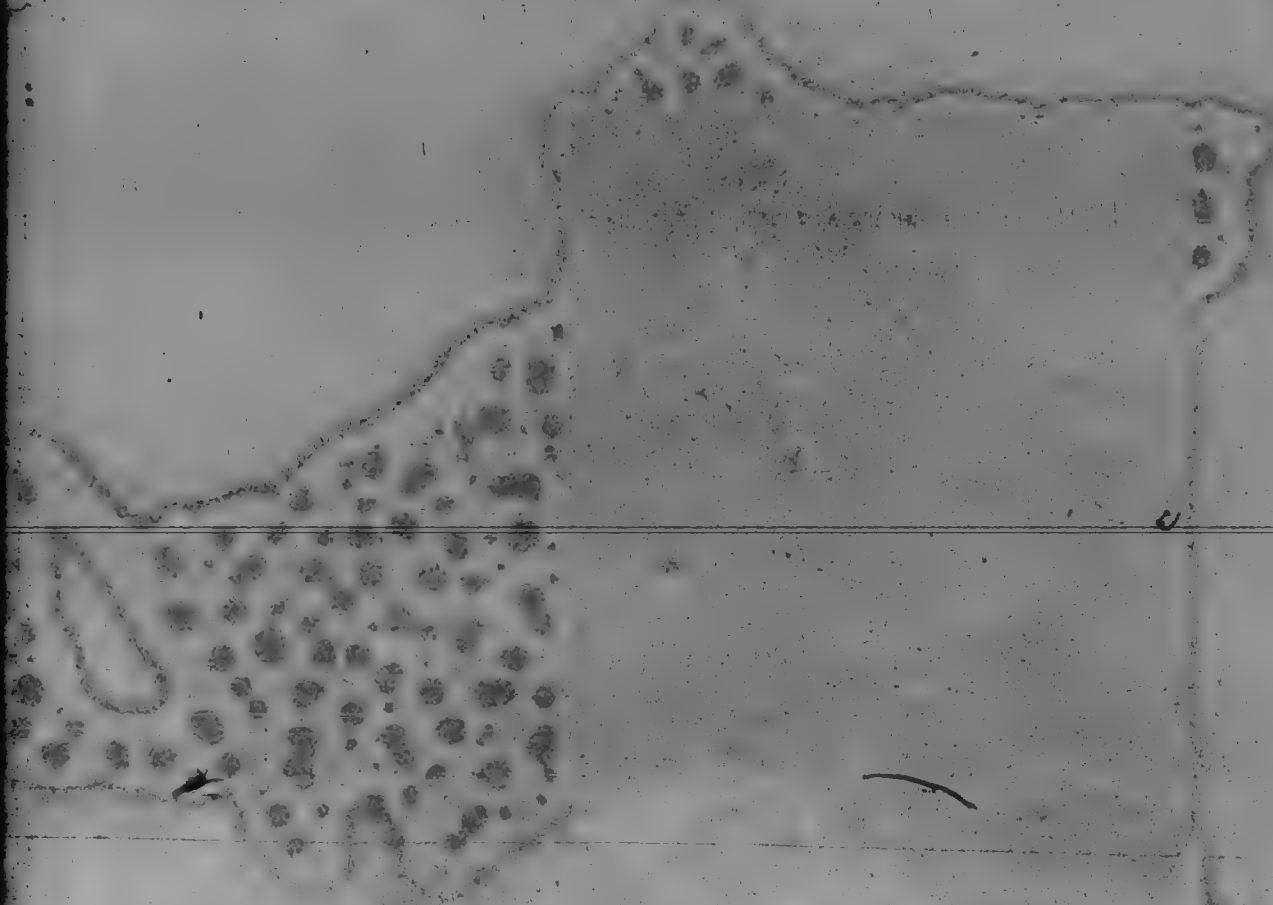
JUN 13 1904

370

Choctaw MCR 7122

Frank Harper

MCR 7122



Department of the Interior  
Commission to the Five Civilized Tribes  
Muskogee, I.T. March 19, 1903.

---0---

In the matter of the application of Frank Harper for the identification of himself and his four minor children, Claude, Lottie, Leon and Jane Harper, as Mississippi Choctaws.

Thomas & Harrison attorneys

Frank Harper being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A Frank Harper.  
Q What is your age? A Fifty-three.  
Q What is your post office address? A Council Bluffs, Iowa, #1226 High, St.  
Q Is your father living? A No, sir.  
Q Is your mother living? A No, sir.  
Q What was your father's name? A Baldwin Harper.  
Q What was your mother's name? A Pernelia.  
Q Do you claim through your father? A Yes, sir.  
Q How much Choctaw blood do you claim? A One-fourth.  
Q Was your father one-half Choctaw? A Yes, sir.  
Q Has your father ever been recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No, sir.  
Q Are you married? A Yes, sir.  
Q Is your wife living? A Yes, sir.  
Q Is her race white? A Yes, sir.  
Q What is her name? A Martha Jane.  
Q Do you make any claim for her? A No, sir.  
Q How many children have you? A Got seven children.  
Q All under twenty-one? A Three over age.  
Q Have you got four under twenty-one? A Yes, sir.  
Q And are any of those four married? A No, sir.  
Q What is the name of the oldest under age? A Claude.  
Q Is that a boy? A Yes, sir.  
Q How old? A Nineteen.  
Q What is the name of the next one? A Lottie.  
Q How old? A sixteen.  
Q The next? A Leon.  
Q How old is he? A Thirteen.  
Q The next? A Jane.  
Q How old is she? A Eleven.  
Q Is that all? A Yes, sir.  
Q Is your wife Mary Jane the mother of these children? A Yes, sir.  
Q Is your name or are the names of your children on any tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.  
Q Have you got proof of your marriage with your wife here? A Certificate.

Clerk's certificate of the marriage of Franklin Harper to Martha J. Turley is presented by applicant, marked exhibit "A" and made a part of the record in this case.

- Q Is this Franklin intended to be your name Frank? A Frank is my right name.
- Q Franklin and Frank are one and the same person? A Yes, sir.
- Q Have you ever ~~been~~ made application for citizenship in the Choctaw Nation either to the Choctaw tribal authorities in Indian Territory or to the Commission to the Five Civilized Tribes under the act of Congress approved June 10, 1896? A No, sir.
- Q Have you or your children ever been admitted to citizenship in the Choctaw Nation either by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No, sir.
- Q Do you now come before the Commission to be identified as a Mississippi Choctaw and to identify these children as Mississippi Choctaws? A Yes, sir.
- Q Do you claim under article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand that article? A Yes, sir well enough to claim under it.

Article fourteen is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; and if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied with that article? A No, sir I don't know.
- Q What is the name of your ancestor that you claim through now? A Charles Harper.
- Q How much Choctaw blood did he have? A Full blood.
- Q What relation was he to you? A Great grandfather.
- Q Did he live in Mississippi or Alabama in 1830 and have a family there then? A Not that I know of.
- Q Did he ever live in Mississippi or Alabama? A Not that I know of.



- Q Did he go to Colonel Ward within six months after the treaty was ratified and register or try to register under article fourteen of the treaty of 1830? A Not that I know of.
- Q Did he or any Choctaw ancestor of yours live on land in the old Choctaw Nation for five years after the treaty was ratified and then get a patent for that land? A Not that I know of.
- Q Did he or any Choctaw ancestor of yours claim any land in that old Choctaw Nation under article fourteen of that treaty? A Not that I know of.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi River to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A Not that I know of.
- Q Did any of your Choctaw ancestors own any improvement in that old Choctaw Nation in 1830? A I don't know.
- Q Did any of them go before a commission in 1837 or before a commission in 1842 and claim any benefit under article fourteen of the treaty of 1830? A Not that I know of.

These commissions were appointed one in 1837 under an act of Congress approved March 3d of that year and the other in 1842 under an act approved August 23d of that year, for the purpose of hearing Choctaw Indians who claimed that they had attempted to register under article fourteen of the treaty of 1830 but had been refused by Colonel Ward, the agent, and because of his refusal their lands had been taken from them in the old Choctaw Nation and sold by the government at its public land sales.

- Q Did any of your ancestors receive any scrip from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A Not that I know of.

This scrip was issued under an act of Congress approved August 23, 1842 and was given to Choctaw Indians who proved their right under article fourteen and also proved that their land had been taken from them and sold.

- Q Do you speak the Choctaw language? A Not much can speak it some very little.
- Q Can you talk in Choctaw in the correct way? A Very few words.
- Q Do you count in Choctaw? A Not much.

This applicant will be allowed thirty days time from the date herewith in which to introduce other proof in this case.

This applicant appears to be descended from white parentage has dark hair nearly black, rather light mustache, blue eyes, complexion medium dark, has no knowledge of the Choctaw language.

---0---

Chas. Diffendaffer, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he



7122-4

reported the proceedings had in the above entitled cause taken at Muskogee, Indian Territory March 19, 1903, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

*Chas. Diffendaffer*

Subscribed and sworn to before me this 30th day of April, 1903.

*Charles E. Sawyer*  
Notary Public.

M C R 7122

Muskogee, Indian Territory, November 6, 1903.

Frank Harper,

Council Bluff, Iowa.

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of yourself and minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M C R 7122

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,

Attorneys-at-Law,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission has this day notified Frank Harper that he will be allowed thirty days from this date in which to submit further evidence in support of the application of himself and minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

V.C.R. 7122

Muskogee, Indian Territory, March 19, 1904.

Frank Harper,

1286 High Street,  
Council Bluffs, Iowa,

Dear Sir:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers et al., of which your application for the identification of yourself and children, Claude, Lottie, Leon and Jane Harper, as Mississippi Choctaws is a part, refusing said application.

You are further advised that a copy of such decision has been furnished your attorneys of record, Thomas & Harrison, Muskogee, Indian Territory; that the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision. At the expiration of that time the record, together with such argument and brief as may be submitted by your attorneys, will be transmitted to the Secretary of the Interior for his consideration.

Respectfully,

Registered,

Commissioner in Charge.

M.C.R.-7122.

Muskogee, Indian Territory, June 26, 1905.

Frank Harper,

1226 High St.,

Council Bluffs, Iowa.

Dear Sir:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 19th day of March, 1904.

Respectfully,

Chairman.

712 2

No. 7122

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 19 1907

Name Frank Harper -

Age 53

Blood 1/4

Post Office, Council Bluffs, Iowa  
1226 High St.

Father: Baldwin Harper, d

Mother: Permelia " d

Claims through father 1/2

wife.

Martha J. Harper, l. w.

No claim for wife -

Children:

Claude Harper, 19

Lottie " 16

Leon " 13

Jane " 11

Claims for self &  
4 minors

Stenographer: Chas. Clifton Saffer.

NOTICE OF DECISION  
A MISSISSIPPI CHOCTAW

Frank Harper, et al

DECISION RENDERED.

MAR 4 1904

COPY OF DECISION FORWARDED  
ATTORNEYS FOR CHOCTAW AND  
CHICKASAW NATIONS.

MAR 4 1904

NOTICE OF DECISION MAILED APPLICANT.

MAR 19 1904

COPY OF DECISION FORWARDED  
ATTORNEY FOR APPLICANT.

MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED BY  
SECRETARY OF INTERIOR

MAR 30 1905

NOTICE OF DECISION  
ACTION MAILED APPLICANT.

JUN 23 1905

NOTICE OF  
FORWARDED ATTORNEY

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

5670

Choctaw MCR 7123

Mary A. Ross

MCR 7123



Department of the Interior  
Commission to the Five Civilized Tribes  
Muskegee, I. T. March 19, 1903.

---O---

In the matter of the application of Mary A. Ross for the identification of herself and her two minor children, Bessie A. and Clara Ross, as Mississippi Choctaws.

Thomas & Harrison attorneys.

Mary A. Ross being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A Mary A. Ross.  
Q What is your age? A Twenty-three.  
Q What is your post office address? A Marlow, Indian Territory.  
Q How long have you lived in Marlow? A Two years.  
Q How long in the Territory? A About twelve years I guess.  
Q Where did you live before that? A In Texas.  
Q Where were you born? A Texas.  
Q Is your father living? A Yes, sir.  
Q Is your mother living? A Yes, sir.  
Q What is your father's name? A John H. Bennight.  
Q What is your mother's name? A Susan Bennight.  
Q Do you claim through your father? A Yes, sir.  
Q How much Choctaw blood do you claim? A One-sixteenth.  
Q You claim your father is one-eighth Choctaw? A Yes, sir.  
Q He has been before the Commission to be identified as a Mississippi Choctaw? A Yes, sir.  
Q Has your father ever been recognized or enrolled as a Choctaw Indian by any authority whatever in Indian Territory? A No, sir.  
Q He just simply has made application to be identified as a Mississippi Choctaw? A Yes, sir.  
Q Are you married? A Yes, sir.  
Q What is your husband's name? A John Ross.  
Q He is living? A Yes, sir.  
Q What is his race? A White.  
Q You don't make any claim for him do you? A No, sir.  
Q When were you married to your husband? A In '95.  
Q Have you children that you want to make application for? A Two.  
Q What is the name of the oldest? A Bessie A.  
Q How old? A Six.  
Q The next? A Clara.  
Q How old? A Four years old.  
Q You claim for yourself and two children do you? A Yes, sir.  
Q Is your husband John the father of these children? A Yes, sir.  
Q Are you living with him at his home? A Yes, sir.  
Q Is your name on any of the tribal roll of the Choctaw Nation in Indian Territory? A No, sir.  
Q Have you ever made any application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory or to the Commission to the Five Civilized Tribes under the act of

- Congress of June 10, 1896? A No, sir.
- Q You have never been admitted with your children as citizens of the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States court in Indian Territory? A No, sir.
- Q You come before the Commission now to be identified as a Mississippi Choctaw? A Yes, sir.
- Q Do you claim under article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand that article? A I think.

It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Now you think you understand that well enough to claim under it? A Yes, sir.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Alabeath Ball.
- Q Did she marry Aaron Freeman? A Yes, sir.
- Q Was he a white man? A Yes, sir.
- Q How much Choctaw blood did she have? A One-half blood.
- Q What relation to you was she? A She was my great grandmother.
- Q Did she live in Mississippi in 1830 and have a family there at that time? A I think so.
- Q Where in Mississippi did she live do you know? A I don't know.
- Q Did she or any of your ancestors live on land in the old Choctaw Nation, either in Mississippi or Alabama, for five years after the treaty was ratified and then get a deed from the government for that land? A I don't know.
- Q Did any of your Choctaw ancestors go to Colonel Ward, the United States Indian Agent within six months after the treaty was ratified and register or attempt to register under article fourteen? Q I think she did.
- Q Where was she living then? A Mississippi.
- Q How long did she live in Mississippi? A I don't know.

- Q Where was she born and where did she live? A Born in North Carolina.
- Q Did she go from there to Mississippi? A Yes, sir, I think so.
- Q And from there she went where? A I don't know.
- Q Do you know when and where she died? A No, sir.
- Q Has she any Choctaw Name? A No, sir.- I don't know.
- Q Did she speak the Choctaw language? A- I don't know.
- Q Did she or any of your Choctaw ancestors go from the old Choctaw Nation east of the Mississippi River to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you to-day? A I don't know.
- Q Did any of your Choctaw ancestors own any improvement on land in the old Choctaw Nation in 1830? A Not as I know of.
- Q Did any Choctaw ancestor go before a Commission in 1837 or 1842 and claim any benefit under article fourteen of the treaty of 1830? A Yes, sir.
- Q Before which commission do you know? A No, sir I couldn't tell.

These commissions were appointed one by an act of Congress approved March 3, 1837 and the other by an act approved August 23, 1842 for the purpose of hearing Choctaw Indian claimants who tried to register under article fourteen of the treaty of 1830 and who were refused by Colonel Ward. These Indians had their land taken from them and sold.

- Q Do you know if any Choctaw ancestor received any scrip from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A No, sir, I don't know.

This scrip was issued under an act of Congress approved August 23, 1842.

Thirty days time is allowed this applicant in which to introduce other proof in this case if she so desires.

- Q Do you speak or understand Choctaw? A No, sir.

By attorney:

- Q You stated that your ancestor through whom you claim your Choctaw blood appeared before one of the Commissions of 1837 or 1842, did you understand that question when you answered? A No, sir.
- Q What answer did you intend to make to that? Is it not true that you intended to say that your information is that Alabeath Freeman went before the Commission in 1830 about that time? A Yes, sir.
- Q As a matter of fact you know nothing about what she might have done about the commission of 1837 or 1842? A Yes, sir.

This applicant has brown hair, dark brown eyes; she has no knowledge of the Choctaw language and no knowledge of a compliance on the part of her ancestors with article fourteen.

Chas. Diffendaffer, being first duly sworn states as that

712314

as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause taken at Muskogee, Indian Territory March 19, 1903, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

*Chas. Differdaffer*

Subscribed and sworn to before me this 30th day of April 1903.

*Charles H. Sawyer*

Notary Public.

COPY!

M. S. R. 7123.

Muskogee, Indian Territory, June 15, 1904.

Mary A. Ross,

Harlow, Indian Territory,

Dear Madam:

You are hereby notified that the Commission to the five Civilized Tribes, on June 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John H. Bennight et al., including you and your minor children, Bessie A. Ross, and Clara Ross.

You are further notified that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,  
(SIGNED)

*Tame Bixby.*  
Chairman.

Registered,

Muskogee, Indian Territory, May 8, 1905.

Mary A. Ross,

Marlow, Indian Territory,

Dear Madam:

You are hereby notified that on the 21st day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John H. Bennight et al., of which decision you were advised by registered mail on the 15th day of June, 1904.

Respectfully,

Commissioner in Charge.

M C R 7123

Muskogee, Indian Territory, July 16, 1906.

Mary A. Ross,  
Marlow, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter dated June 1, 1906, enclosing a communication addressed to the Secretary of the Interior, together with your sworn affidavit, relative to your application for identification as a Mississippi Choctaw, and requesting that the same be forwarded to the Secretary of the Interior.

You are advised that your request has this day been complied with.

Receipt is also acknowledged of the application for enrollment of Edgar Anguss Ross as a citizen of the Choctaw Nation.

Respectfully,

Commissioner.



Muskogee, Indian Territory, July 16, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

In the matter of the consolidated Mississippi Choctaw case of John H. Bennight, et al., the record therein, together with the decision of the Commission to the Five Civilized Tribes of June 16, 1904, adverse to the applicants, was, on August 16, 1904, forwarded the Department.

April 21, 1905 (I T D 9234-1904), the Department affirmed the decision above referred to.

This office under date of June 4, 1906, received from Susan I. Bennight, Ammie Borden, and Mary A. Ross, Marlow, Indian Territory, the sworn affidavit of each person, accompanied by communications addressed to the Secretary of the Interior. In their letters of transmittal the applicants request that the papers enclosed therewith be forwarded to the Department. The same are herewith transmitted.

These applicants have heretofore been duly advised of the action taken both by the Commission to the Five Civilized Tribes and the Department relative to their claims.

Respectfully,

Through the Commissioner  
of Indian Affairs.

Commissioner.



DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS/  
WASHINGTON.

October 16, 1906.

Land.  
61742-1906.

The honorable,

The Secretary of the Interior.

Sir:

On April 21, 1905, (I.T.D. 9234-1904), the Department affirmed the decision of the Commission to the Five Civilized Tribes of June 15, 1904, adverse to the applicants in the consolidated Mississippi Choctaw case of John W. Bennight, et al.

I now have the honor to transmit herewith a communication from Commissioner Bixby, under date of July 16, 1906, with which is inclosed the sworn affidavits of Susan I. Bennight, Annie Borden and Mary A. Ross, of Marlow, Indian Territory, accompanied by communications addressed to the Secretary of the Interior.

Commissioner Bixby reports that the applicants have heretofore been duly advised of the action taken by the Commission to the Five Civilized Tribes and the Department relative to their claims. The record in the case is also inclosed.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

KRM-KRM.

JP  
LLB

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

November 8, 1906.

I.T.D. 20764-1906.  
49177 LRS

Commissioner to the Five Civilized Tribes,  
Muskogean Indian Territory.

Sir:

April 21, 1905, the Department affirmed the decision of the Commission to the Five Civilized Tribes in the Mississippi Choctaw case of John H. Bennight et al., adverse to the claimants.

July 16, 1906, you submitted affidavits made by Susan I. Bennight, Ammie Borden, and Mary A. Ross, accompanied by communications addressed to the Secretary of the Interior, in which the parties allege ignorance of the status of their claims.

Treated as motions to reopen the case as to the persons mentioned therein, the affidavits present no question of law or fact not considered in the decision of April 21, 1905, of which you inform the Department the claimants were duly advised.

The petitions are denied, and you will so advise the parties.

A copy of Indian Office letter of October 16, 1906, submitting your report is inclosed.

The papers in the case have been sent to the Indian Office for its files.

Respectfully,  
E. A. Hitchcock.  
Secretary.

Through the Commissioner  
of Indian Affairs.

MCR 6255

COPY

Muskogee, Indian Territory, November 15, 1906.

Susan I. Bennight,

Marlow, Indian Territory.

Dear Madam :--

There is enclosed herewith copy of Departmental letter of November 8, 1906, accompanied by the report of the Acting Commissioner of Indian Affairs of October 16, 1906, in which it is stated that your affidavit and letter transmitted by this office to the Secretary of the Interior July 16, 1906, has been treated by the Department as a motion to re-open your Mississippi Choctaw claim and that the same has been denied.

Respectfully,

SIGNED *Wams Bixby*  
Commissioner.

JWH 15-1

MCR 6255

COPY

Muskogee, Indian Territory, November 15, 1906.

Ammie Borden,

Marlow, Indian Territory.

Dear Madam :--

Under date of July 16, 1906, this office transmitted to the Secretary of the Interior, affidavits made by Susan I. Bennight, Mary A. Ross and yourself, accompanied by communications addressed to the Secretary of the Interior, in which you alleged ignorance of the status of your applications for identification as Mississippi Choctaws.

You are now notified that said affidavits have been considered by the Department as motions to re-open your applications and the same were denied by the Secretary of the Interior November 8, 1906.

This case is now considered closed.

Respectfully,

SIGNED *James B. King*  
Commissioner.

7123

No. 7123

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

Name Mary A. Ross

Age 23

Blood 1/16

Post Office, Marlow. L. T.

Father: John W. Bennie, Jr.

Mother: Susan W. Bennie

Claims through

father 1/8  
husbandJohn Ross, d. v.  
No claim for husband

Children:

Bennie A. Ross, 4

Clara Ross, 4

Claims for  
self & 2 minor

Stenographer Chas. Caffery

FOR IDENTIFICATION AS THE  
A MISSISSIPPI CHICKASAW

Mary A. Robb, et al.

DECISION RENDERED JUN 15 1904

NOTICE OF DECISION FORWARDED  
APPLICANT

NOTICE OF DECISION

FORWARDED ATTORNEY  
FOR APPLICANTS.

JUN 15 1904

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

JUN 15 1904

RECORD FORWARDED DEPARTMENT.

AUG 16 1904

ACTION APPROVED BY  
SECRETARY OF INTERIOR.

APR 21 1905

NOTICE OF DEPARTMENTAL  
ACTION MAILED APPLICANT.

MAY - 1905

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT.

1905

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

REFER TO M. C. R.

6255

Choctaw MCR 7124

Mary E. Oquin

MCR 7124

Department of the Interior  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. March 19, 1903.

---o---

In the matter of the application of Mary E. O'Quinn for the identification of herself and her four minor children, James Walter, Dora E., Thomas M. and Ora May O'Quinn, as Mississippi Choctaws.

Thomas & Harrison attorneys.

Mary E. O'Quinn being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A Mary E. O'Quinn.  
Q What is your age? A Fifty.  
Q What is your post office address? A Marlow, Indian Territory.  
Q How long have you lived in the Indian Territory? A About eleven years.  
Q Where did you live before that? A Texas.  
Q Where were you born? A Born in Texas.  
Q Always lived there until you came to Marlow, did you? A Yes, sir.  
Q Is your father living? A No, sir.  
Q Is your mother living? A Yes, sir.  
Q What was your father's name? A John T. Thompson.  
Q What is your mother's name? A Mary Jane Kerr.  
Q Do you claim through your father or mother? A Father.  
Q How much Choctaw blood do you claim? A One-eighth.  
Q You claim your father was one-fourth? A Yes, sir.  
Q Has he ever been recognized or enrolled as a member of the Choctaw tribe by the Choctaw tribal authorities in Indian Territory or the United States authorities in Indian Territory? A No, sir.  
Q Are you married? A Yes, sir.  
Q Is your husband living? A Yes, sir.  
Q What is his race? A White.  
Q What is his name? A Thomas J. O'Quinn.  
Q Do you make any claim for your husband? A No, sir.  
Q How many children have that you want to make application for? A Four.  
Q What is the name of the oldest child? A James Walter.  
Q How old? A Nineteen.  
Q Next? A Dora E.  
Q How old is Dora? A Seventeen.  
Q The next? A Thomas M.  
Q Age? A Fifteen.  
Q Now the next? A Ora May.  
Q How old? A Twelve.  
Q Is that all? A Yes, sir.  
Q You make this application today for the identification of yourself and these four minor children as Mississippi Choctaws do you?  
A Yes, sir.



- Q Is your husband Thomas J. O'Quin the father of these children?  
A Yes, sir.
- Q Are you and your husband living together and are these children living with you at his home? A Yes, sir.
- Q Is your name on any of the tribal rolls, or the names of your children, of the Choctaw Nation in Indian Territory? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities in Indian Territory? A Yes, sir I made application at Colbert.
- Q Before the Commission to the Five Civilized or the Choctaw tribal authorities? A Dawes Commission.
- Q Then you didn't make application to the Choctaw tribal authorities? A No, sir.
- Q Did you ever go before the Choctaw tribal authorities previous to that? A No, sir.
- Q And never made any other application before you made your one at Colbert? A No, sir.
- Q At Colbert June 21, 1900 you made a personal appearance for yourself and your children did you for enrollment as Choctaws by blood? A Yes, sir, I meant it to be Mississippi Choctaw but they wouldn't take it that way.
- Q At that time you wanted to make application as a Mississippi Choctaw? A Yes, sir.
- Q Have you any other application pending before the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation for yourself and children except this one? A No, sir.
- Q The only personal appearance that you ever made before the Commission was that one at Colbert in June 1900? A Yes, sir.
- Q Well didn't your husband Thomas J. O'Quin appear before the Commission at South McAlester in February 1899 and there made application for himself, for you and for these children whose names you have given? A I have forgot.
- Q The records of the Commission filed in your case, Choctaw R. 217, shows that to be a fact. Don't you recollect that now? A No, sir.
- Q Well then that application was made by him for himself for you and for these children mentioned in the decision connected with that case, which decision was not signed. Well these are the only two applications pending before the Commission to the Five Civilized Tribes with reference to your claim for citizenship in the Choctaw Nation for yourself and children? A Yes, sir.
- Q Do you want to have those applications now withdrawn and this application which you are making today for identification of yourself and your children substituted for it? A Yes, sir.

Statement by attorney:

Upon the request of the applicant it is desired that reference be made to the testimony heretofore introduced in the case referred to, wherein the applicant applied for citizenship as a Choctaw by blood.

By Commission:

- Q Now you come before the Commission and make this application for yourself and these minor children in order that you may be identified as Mississippi Choctaws? A Yes, sir.
- Q You claim under article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand that article? A Yes, sir.

Article fourteen is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article, if so who? A Grandfather and great grandfather.
- Q What was your great grandfather's name? A Henry Thompson.
- Q What was your grandfather's name? A Archibald Thompson.
- Q How much Choctaw blood did Henry Thompson have? A White man and his wife was full blood.
- Q What was her name? A Margaret McCoy, Margaret McCoy married Henry Thompson.
- Q She was a full blood? A Yes, sir.
- Q Did Henry Thompson or his wife Margaret live in Mississippi in the old Choctaw Nation in 1830 and have a family there then? A Yes, sir.
- Q How old would Archibald Thompson be if living now? A I don't know.
- Q How old would Henry Thompson's wife be if living now? A I don't know.
- Q Did Margaret Thompson go to the United States Indian agent within six months after the ratification of the treaty of 1830 and register or attempt to register under article fourteen? A Yes, sir I think she did.
- Q How do you know? A My grandmother told it to me.
- Q You claim through your father? A Yes, sir.
- Q That is John T. Thompson? A Yes, sir.
- Q And he claims through which parent? A Archibald Thompson.
- Q And he claims through Henry? A Yes, sir.

- Q Did any of these Choctaw ancestors whose names you have given live on land in the old Choctaw Nation for five years after the treaty of 1830 was ratified and at the end of that time get a patent from the government for that land? A No, sir not that I know of.
- Q Did any of your Choctaw ancestors go to Colonel Ward the United States Indian agent within six months after the treaty was ratified and register or attempt to register under article fourteen of that treaty? A To the best of my knowledge they did, they tried but failed.
- Q That is family history and tradition? A Yes, sir my grandmother use to tell me that.
- Q Did any of your Choctaw ancestors go from the old Choctaw Nation east of the Mississippi River to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A No, sir not that I know of.
- Q Or at any time between the years 1833 or 1838 with the other Indians at the expense of the government? A Not that I know of.
- Q Did any of your Choctaw ancestors own any improvement on land in the old Choctaw Nation in 1830? A Not that I know of.

In 1837 and also in 1842 commissions were appointed which went to Mississippi and heard claims under article fourteen of the treaty of 1830. The first commission was appointed by an act of Congress approved March 3, 1837 and the second by an act of Congress approved August 23, 1842. These commissions were appointed, under these various acts of Congress, because of the complaints of many Choctaw Indians who claimed that they had registered or attempted to register under article fourteen of the treaty of 1830 within six months from the ratification of the treaty but had been refused registration by Colonel Ward, the Indian Agent, and as their names did not appear on ~~the~~ his registry list the government agents dispossessed them of their land which they owned in the old Choctaw Nation. This land was taken from them and sold at the public land sales of the government.

- Q Do you know whether your ancestor went before either of these commissions? A No, sir.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana? A Not that I know of.

These certificates were issued under the act of Congress approved August 23, 1842.

This applicant will be allowed thirty days time from this date in which to introduce other proof in this case.

- Q Do you speak or understand the Choctaw language? A No, sir.
- Q What is the name of your grandmother who told you so much about your family history? A Annie Strong.
- Q She was the wife of Archibald Thompson? A Yes, sir, she was nearly one hundred years old when she died.

- Q She died when? A She died a year or two before I was married, I was married in 1871.
- Q What was her general appearance? A Brown.
- Q Could she speak the Choctaw language? A I don't know she couldn't talk plain.
- Q Where was she living then? A Texas.
- Q Where was she born? A I guess she was born in Texas, she was living there.
- Q Where was Margaret McCoy born? A To the best of my knowledge born and raised in Mississippi.
- Q You never saw her? A No, sir.
- Q You remember your grandmother very distinctly do you? A Yes, sir, I was about grown when she died.
- Q Did she tell you that she made the application or that it was her mother that made the application? A She said my grandfather made the application, him and my great grandfather's family.
- Q Archibald Thompson was a white man was he? A No, sir, Margaret McCoy's son, Henry Thompson was his father.
- Q He was one-half blood, Archibald Thompson? A Yes, sir.
- Q Now do you remember when your grandmother said it was that they made this application to register? A It was some where about the time of 1830, I think in Mississippi close to where they had their rabbit dances.
- Q Did she ever tell you about the rabbit dances? A Yes, sir.
- Q Where did she say it was, in Mississippi? A Yes, sir, in Mississippi.
- Q Where were they living at that time? A In Mississippi.
- Q Did they have a home there? A Well now I can't tell you.
- Q Have you information that they had a home there? A Well I couldn't say that either.
- Q Did your grandmother tell you why they were not permitted to register? A She told me that the man that was to tend to the business got drunk.
- Q Did she undertake to tell you what the man told her? A No, sir.
- Q And that is way you get your information? A Yes, sir, grandmother lived with us and she would tell us about it.

This applicant appears to be descended from white parentage black hair, black eyes, medium dark complexion, doesn't understand the Choctaw language and has no knowledge of a compliance on the part of her ancestors.

By attorney:

- Q Madam if you know of anything further of your father please state it? A Well my grandfather and great grandfather was on the rolls.
- Q What rolls? A I forget.
- Q Now how do you know that? A I was told that my brother seen the rolls.
- Q By whom were you told that these ancestors were enrolled? A My grandmother.
- Q Did your grandmother tell you where or at what place they were enrolled? A I, Mississippi some where I don't remember right at the place.

7124-6

- Q Which of your ancestors do you know have been enrolled? A Archibald Thompson and Henry Thompson and Margaret McCoy. Archibald Thompson was my grandfather but grandmother wasn't on the rolls, he was married before they were married.
- Q Are there any other facts in this case to which you have not testified and to which you desire to testify at this time? A No, sir.

Chas. Diffendaffer, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause taken at Muskogee, Indian Territory March 19, 1903, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause.

*Chas. Diffendaffer*

Subscribed and sworn to before me this 30th day of April 1903.

*Charles H. McCoy*

Notary Public.

*certified copy*

Commissioner to the Five Civilized Tribes,  
Sault Ste. Marie, Ind. Ter.

In the application of Thomas J. O'Quin for enrollment as a  
cheetah being sworn and examined by Com'r McKenna he states:

Q What is your name? A Thomas J. O'Quin.

Q How old are you? A Fifty-one.

(Applicant is on the 1896 roll as an intermarried citizen P 397,  
#14922.) As Thomas O'Quinn.)

Q What is your wife's name? A Mary E.

(On 1896 roll Eliza, 254, 10028.)

Q How old is she? A About forty-five.

Q What is your oldest child's name? A John T., twenty-six  
years old.

(He is not found on the 1896 roll at all.)

Q Next one? A Martha A. Holloway now, she is married, twenty-  
four years old.

(On roll as Martha Holloway, 180, - #5179.)

Next one is Winnie L. Liddy, she is married, twenty-two years old.

(Enrolled as Winnie Liddy.) On page 207, #6416.)

Next one is James W., sixteen years old;

(On roll, p 254, #10030, as Jas W.)

Q Next one? A Lora M. fourteen years old.

(On roll as Lora, p 254, #10031.)

Next one is Thomas M. ten years old.

(Thomas M. is not enrolled.)

Q Next one? A Ora I., eighteen years old;

(On roll as Ora M., 254, #10032.)

Q Your wife is named what? A Mary E., forty-five years old.

(On roll Eliza, 254, 10028.)

Q What degree of blood has she? A One-eighth.

Q And you are a white man? A Yes sir.



Thomas J. O'Quinn (2)

Q Your children would be one-sixteenth? A Yes sir.

Q When did you come to the Territory? A I came to the Territory in 1891.

Q Where from? A Texas.

Q You have been living here ever since? A Yes sir.

Q You were never enrolled until this time? A I was enrolled by the Revisory Board.

Q Were you ever enrolled before you were enrolled on this roll?

A No sir.

Q Did you make application to the Dawes commission in 1896?

A No sir.

Q When and where were you enrolled by the Revisory Board?

A At Tusnkanomma I suppose.

Q What time? A 6th of January 1897 was when they passed on our papers.

Q Who of your children are married? A John T. is married.

Q What is his wife's name? A May.

Q Do you know how old she is? A I suppose she is about twenty-two.

Q Now the next one? A Martha A. is married.

Q What is her husband's name? A Jesse M. Holloway.

Q How old is he? A Thirty-one years old.

Q Next one? A Minnie L., married to Wilson Leddy.

Q How old is he? A He is about twenty-five.

Q You were never admitted by any Act of council were you? Before your enrollment? A No sir.

Com'r McKennon: As you were never admitted by the lawful authorities of the Choctaw Nation, your enrollment and on the 6th day of January 1897 was without authority of law, they had no authority to put you on the rolls then, and your enrollment will have to be refused by this commission, with all of your family.

The children of Martha A. are Jesse M. Holloway, three

Thomas J. O'Quinn #3)

years old and Willie M. Holloway, one years old.

She was a widow at the time he married her, with one child, Roland  
Sapnon; John T. has one child named Dolphy, three years old.

Department of the Interior,

Commissioner of the Civilized Tribes.

I hereby certify upon my official oath as  
stenographer to the named Commission, that this  
transcript is a true, full and correct translation of  
my stenographic notes.

*M. O'Quinn*



724  
COPY.

BEFORE THE COMMISSION OF INDIAN AFFAIRS, WASHINGTON, D.C.

In the matter of the application of )  
Mary E. O'Quinn, et al., for enroll- )  
ment as members of the Choctaw )  
Tribe of Indians in Indian Terri- )  
tory. )

The petition of Mary E. O'Quinn respectfully represents that she is a Mississippi Choctaw Indian by blood and a direct lineal descendant of Margaret McCoy, who was a full blood Mississippi Choctaw, recognized and respected as such by the Choctaw tribe and all its members and who enjoyed, during her life time, all the rights benefits and immunities of a member of said tribe.

Your petitioner further shows that the said Margaret McCoy was duly and regularly married to one Henry Thompson, that one Archibald Thompson was one of the issue of said marriage, and that the said Archibald Thompson was duly and regularly married and that one of the issue of said marriage was John T. Thompson, the father of this petitioner.

That the said John T. Thompson was on or about the 26 day of October 1848, duly and regularly married to one Mary Jane Kerr, and that the issue of said marriage was the following named children now living, viz.

W. F. Thompson, aged 50 years;  
Elizabeth Giles, nee Thompson, aged 48 years;  
Mary E. O'Quinn, nee Thompson, aged 46 years;  
Angelina Humphrey, nee Thompson, aged 44 years;  
Rufus O Thompson, aged 42 years;  
Laura Price-field, nee Thompson, aged 40 years;  
Evan Thompson, aged 38 years;  
Elmira Crawford, nee Thompson, aged 36 years;  
John T. Thompson, aged 33 years.

That the said W. F. Thompson was, on or about the 1st day of During the Fall of 1870 duly and regularly married to one Mary Calhoun, and that there was born as issue of said marriage, the following children viz.

Thomas Thompson, aged 24 years;  
Effie Thompson, aged 20 years;  
Jesse Thompson, aged 22 years;  
Robert Thompson, aged 18 years;  
Etta Thompson, aged 15 years;  
Ora Thompson, aged 11 years

And that the above named Mary E. Thompson was, on the 22nd day of March, 1871, duly and regularly married to one T. J. O'Quin and that there has been born, as issue of said marriage, the following children now living, viz.

John T. O'Quin, aged 26 years;  
Martha N. O'Quin, aged 24 years;  
Minnie L. O'Quin, aged 22 years;  
James Walter O'Quin, aged 16 years;  
Dora M. O'Quin, aged 14 years;  
Thomas M. O'Quin, aged 12 years;  
Ora I. O'Quin, aged 8 years, and that the above named

John T. O'Quin, was on or about the 29th day of August 1895 duly and regularly married to one Mary Calhoun, and that there has been born as issue of said marriage the following child now living, viz.,

Adolphus O'Quin, aged 3 years; and that the above named Martha N. O'Quin, was on or about the 18 day of December 1890, duly and regularly married to one George B. Seiphon, and that there was born as issue of said marriage one child now living, viz., Iva Seiphon, aged 6 years; and that thereafter the said George B. Seiphon departed this life and the said Martha N. Seiphon, nee O'Quin, was duly and regularly married to one Jesse M. Holloway, and that there has been born as issue of said marriage the following children now living, viz.,

Jessie Holloway, aged 2 years;  
Willie Holloway, aged 1-1/2 years

And that the above named Minnie L. O'Quin was, on or about the 3 day of January, 1895, duly and regularly married to one J.M.W. Luddy.

That the above named Ruphus O. Thompson, was, on the 17th day of February, 1887, duly and regularly married to one Lou Calhoun.

And that the above named John T. Thompson, was, on the 17th day of February, 1887, duly and regularly married to one

Katie Calhoun, and that there has been born as issue of said marriage the following children, now living, viz.,

Mary F. Thompson, aged 11 years;  
Charles Thompson, aged 9 years;  
William B. Thompson, aged 7 years;  
John M. Thompson, aged 4 years

Your petitioner further shows that she has resided in the Chickasaw nation, in the Indian Territory, for many years, and that they have held land upon the public domain as members of said tribe; that their rights thereto was never disputed, and that they have always been recognized together with all of their ancestors and descendants as Choctaw Indians and have been accorded all the rights appertaining thereto; that when she emigrated to Indian Territory, that she did so at the request of members of the Choctaw tribe of Indians and for the sole purpose of maintaining her rights in said tribe.

That she has presented herself by her husband T. J. O'Quin before the Dawes Commission for enrollment and there offered to prove all the facts herein alleged and there produced affidavits of well known Choctaw Indians and persons entitled to credit to prove all of the facts herein before stated, and that the said Dawes Commission, by its Chairman A. S. McKennon, there informed the said petitioner that they had no jurisdiction or authority to enroll the said applicant.

Your petitioner further shows that she removed to Indian Territory long after the Choctaw tribe had established itself therein; that her ancestors remained in the State of Mississippi for many years, and that she came to said Territory in pursuance to the provisions of the treaty of 1830 and 1866, and that she had no knowledge that it was necessary to make application to said Dawes Commission on or before any particular date, and but recently learned that it was necessary for her to so make such application, and that thereupon, as soon as she could procure the necessary proof, of her

descent, that she then made the application as above stated.

Your petitioner therefore prays that she and her husband and children hereinbefore set forth, together with the other parties named herein now living, be identified and enrolled upon the final rolls of the Choctaw tribe of Indians in the Indian Territory and that they be adjudged to be members of said tribe and entitled to all the rights, benefits and immunities under the treaties made with said tribe and the laws applicable thereto.

Mary E. O'Quin

Subscribed and sworn to before me this the 21 day  
of September, 1899.

( SEAL )

George T. Putty  
Notary Public.

Indian Territory, :  
SS  
Southern District. :'

T. J. O'Quin being duly sworn says that he is husband of the petitioner above named; that he has read the foregoing petition and that the same is true, as he verily believes.

his  
T. J. x O'Quin  
mark

Subscribed and sworn to before me, this 21 day of September, 1899.

( SEAL )

Geo. T. Putty.  
Notary Public.

Indian Territory, )  
Southern District. ) SS.

T. J. O'Quin being duly sworn says that he did, on or about the 12 day of December, 1896, in behalf of himself and his wife and family, present their claims to citizenship in the Choctaw Nation to the authorities of the Choctaw Nation then sitting, according to law for the purpose of enrolling members entitled to citizenship therein: That at that time he presented his proof and his claim and that the same was not denied or contested and that thereupon the said authorities issued to him a certificate of citizenship for himself and the members of his family, which certificate is hereunto attached, marked "Ec.A" and made a part here of.

his  
T. J. x O'Quin  
mark

Indian Territory, )  
Southern District. ) SS

Subscribed and sworn to before me this 21 day  
of September, 1899.

( SEAL )

Geo. T. Putty  
Notary Public.

(Copy)

R-217

This day appeared personally before me the undersigned a notary public in and for the southern district, I.T., R.C.Colbert, to me personally known, who being by me duly sworn on his oath says that he is nearly 68 yrs old & lives near Atoka I.T. that he is a half breed Choctaw Indian by blood, that in an early day he was well acquainted with one Margaret McCoy a half breed Choctaw Indian woman, who married a white man by the name of Thompson (think his name was Henry) they ha children, one being Archibald Thompson, who also raised a family. Two of his children, John T. Thompson and his sister Mary, now the wife of Thos J Oquinn, now live at Marlow, Chickasaw Nation I T. I know them to be part Choctaw by blood, they being lineal descendants of said Margaret McCoy "Thompson" who was a half breed Choctaw Indian woman. I have no interest in making this statement further than to do justice.

(signed)

R. C. COLBERT.

Sworn to & subscribed before on this Aug 11/98.

(signed)

N. C. THOMPSON,  
Notary Public.

(SEAL)

(ENDORSEMENT)

R. C. Colbert

to : Affidavit

Mary Oquinn

John T Thompson.

F

FILED  
JUNE 21 1900  
COMMISSION TO FIVE TRIBES

(Copy)

R-217

Marlow, I. T., Sept. 6, 01.

Indian Agent,

Muscogo.

Dr Sir:

In Jan'y 97 I was duly admitted to citizenship in the Choctaw Nation. Later the rolls on which I was placed was submitted to a board of review and my name retained thereon, after which said roll was approved by the Choctaw council. My claim is now contested and pending before Secretary of Interior. I have bought and paid for improvements, holding same in good faith. The point I wish to know is, Have I a lawful right to hold these improvements. Some unscrupulous parties have jumped some of my holdings, under sections 4 to 8 of the Curtis bill, or they claim, and giving me trouble, while others have brought suits of ejectment against some of my tenants. These suits I must defend. Can you give me any relief? Or will you kindly advise me as to my proper course? If I have no rights while my case is pending, I am ready to comply with the law. I certainly think there is a remedy for me, and make this application to you as an official of the government that I may be informed of the rights I have, if any. An immediate reply respectfully solicited.

Respectfully &c.,

(signed)

MARY E. OQUIN.

(ENDORSEMENTS)

9-6-1901.

Mary E. Oquin,  
Marlow, I. T.

-----

No. 22755  
RECEIVED  
SEP 9 1901  
Office of

U.S. Indian Agent,  
Muscogee, Ind. Ter.

Asks rel. holding  
improvements in

Choctaw Nation  
pending decision of  
Secretary Interior as to  
her citizenship.

Respectfully re-  
ferred to the Commission



(Copy)

R-217

This day appeared personally before me the undersigned a notary public in & for the dist. I.T., Henry N. Perkins to me personally known to be a credible and trust worthy Choctaw citizen, who being first by me duly sworn on his oath says that he is 57 years old & lives at Caney Post office Choctaw Nation, that he is a Choctaw Indian by blood, and an ex official (co clerk) of Blue Co. in said nation, that he was well acquainted with one Margaret McCoy a half breed Choctaw Indian woman, who married a white man by the name of Thompson, think his name was Henry, they had children, one being Archibald Thompson, who also raised a family, two of them now being at Marlow, Chickasaw Nation, to wit: John T. Thompson and his sister Mary who is now the wife of Thos J Oquinn. I personally knew the said Margaret McCoy Thompson many years ago and also their children, Wm Thompson being the oldest and died near Fort Townsend & Archibald Thompson & also his children & know that Mary Thompson Oquinn & her brother John T. Thompson are the children of said Archibald Thompson are are part Choctaw Indians by blood. I have no interest in making this statement further than to do them justice.

(signed)

HENRY N. PERKIN.

Sworn to & subscribed before me on this August 10/98.

(signed)

N.C. THOMPSON,  
Notary Public.

(SEAL)

(ENDORSEMENTS)

Henry N. Perkins  
to : affidavit

E

Mary Oquinn.  
John T. Thompson.

FILED  
JUNE 21 1900  
COMMISSION TO FIVE TRIBES

(Copy)

R-217

The petition of J. M. W. Leddy respectfully represents that he was on or about the 3rd day of January 1895 duly and regularly married to one Minnie L. O'quin.

Your petitioner further shows that he is a Mississippi Choctaw Indian by marriage and has always been recognized as such, has lived for many years in the Indian Territory and has exercised all the rights, and privileges pertaining to such citizenship; has never been required to pay permits or other taxes levied upon non-citizens resident within said nation; that he is a son-in-law of the petitioner herein, Mary E. O'quin, and as such a direct lineal descendant of Margarite McCoy who was recognized as a full blood Choctaw Indian.

He therefore prays an order enrolling himself and wife upon the rolls of said Choctaw tribe of Indians in the Indian Territory, and adjudging them to be members thereof and entitled to all of the rights and benefits and immunities pertaining thereto under the treaties made with said tribe and the laws applicable thereto.

(signed)

J.M.W.LEDDY.

INDIAN TERRITORY,  
Southern District : ss

J.M.W.Leddy being first  
duly sworn says that he has read the foregoing petition by him subscribed and also the foregoing petition of Mary E. O'quin and that the facts stated therein are true.

(signed)

J.M.W.LEDDY.

Subscribed and sworn to before me this the 4th day of October, A.D. 1899.

(signed)

GEO.T.PUTTY,  
Notary Public.

(SEAL)

INDIAN TERRITORY,  
Southern District.:ss.

Minnie L. O'quiern  
(nee Leddy) being first duly sworn says  
that she has read the foregoing petition  
and also the petition of Mary E. O'quinn,  
and that the facts stated therein are  
true.

(signed) MINNIE L. LEDDY.

Subscribed and sworn to before me this the 4th day of October, A.D.  
1899.

(signed)

GEO. T. PUTTY,  
Notary Public.

(SEAL)

(ENDORSED)

EX B

FILED JUNE 21 1900  
COMMISSION TO FIVE  
TRIBES

to the Five Civilized  
Tribes for appropriate  
action.

J. BLAIR SHOENFELT,  
U.S. Indian Agent.

Sept. 9, 1901.

INDEXED

COMMISSION TO FIVE TRIBES.

No. Received  
13346, 1901 SEP 11 1901

OQuin, Mary E.,  
Marlow, I.T.  
Sept. 6/01.

Choctaw.

R-217

(Copy)

This day appeared personally before me the undersigned, a notary public in & for the central dist I.T. Mrs. Levina Franklin to me personally known who being first by me duly sworn, on her oath says that she knows not her age, but supposes she is about 65 or 70 years old and resides near Atoka I T; that she was well and intimately acquainted with Margaret McCoy, a half breed Choctaw Indian woman, who married a white man by the name of Thompson (think his given name was Henry) by this marriage to said Margaret McCoy

Thompson had several children, one being a son Archibald Thompson, who also had children, two of them being John T Thompson of Marlow I.T. and his sister Mary, who is now the wife of Thos. J. Oquin. The said John T. Thompson and his sister Mary Oquin being grandchildren of Margaret McCoy Thompson, an half breed Choctaw woman. The said Margaret McCoy Thompson always claimed kin with my family. Just what kinship existed I cannot now tell. If kinship did exist, the said John T Thompson and his sister Mary Oquin are related by blood to me. Whether related to me or not I well know that they are both part Choctaw by blood. I have no interest in making this statement of facts further than do justice.

(signed)

LEVINA (her x mark) FRANKLIN.

Witness.

G. A. Pate.

Sworn to and subscribed before me this 8th day of August 1898.  
(signed)

G. A. PATE,  
Notary Public.

(SEAL)

(ENDORSEMENTS)

Mrs. Levina Franklin

to : Affidavit.

John T. Thompson.

Mary Oquin.

D

FILED

JUNE 21 1900

COMMISSION TO FIVE TRIBES

COPY

Muskogee, Indian Territory, June 15, 1904.

Commissioner in Charge,

Chickasaw Land Office,

Tishomingo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 4th instant, in which you ask to be advised if the records of this office show that one T. J. O'Quinn is an applicant for identification as a Mississippi Choctaw. You state that application has been made to file on certain lands listed on the improvement plats to said O'Quinn.

In reply you are informed that it appears from our records that on March 19, 1903, at Muskogee, Indian Territory, Mary E. O'Quinn, fifty years of age, post office address Marlow, Indian Territory, the wife of Thomas J. O'Quinn, made application to this Commission for the identification of herself and four minor children, James W., Bora E., Thomas M. and Ora May O'Quinn, as Mississippi Choctaws, but made no claim for her husband.

On March 6, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of William C. Thompson, et al., of which the application of Mary E. O'Quinn, et al., is a part, refusing the applications of the several persons included therein.

Chick. Land Office--2

The several applicants in the consolidated Mississippi Choctaw case of William C. Thompson, et al., were allowed fifteen days from the date of the rendition of the decision within which to file argument in support of their claim to be forwarded to the Secretary of the Interior.

On request of attorneys for applicants additional time was granted in this case, and the record, together with the Commission's decision, was forwarded to the Department on April 13, 1904. The Commission has not yet been advised of any departmental action thereon.

Respectfully,

SIGNED *L. C. ...*

Chairman.

(COPY)

JWH  
LLB

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

April 4, 1906.

I.T.D. 4823-1906.  
I.R.S.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

On April 5, 1905, the Department rendered a decision concerning the following Choctaw enrollment cases:

Mary M. O'Quinn et al., M. C. R. 7124,  
Rufus O. Thompson et al., M. C. R. 561,  
Mattie Helloway et al., M. C. R. 458.

In said decision it was held that the applicants in the cases referred to above were not entitled to be identified as Mississippi Choctaws, or to be enrolled as citizens by blood of the Choctaw Nation.

In view of the approved opinions of the Assistant Attorney-General in the Choctaw enrollment cases of James S. Long et al. and William C. Thompson et al., copies of which were recently forwarded to you, the Department has reconsidered its said decision of April 5, 1905.

Title M. C. R. 7124 includes the application of Mrs. O'Quinn for the enrollment of herself and children as Choctaws by blood, and for the enrollment of her husband, Thomas J. O'Quinn, as a citizen by intermarriage of the Choctaw Nation. From the testi-



mony of Mrs. O'Quinn it appears that she is a one-sixteenth Choctaw; that she was born about 1854 in Texas; that she continued to reside therein until the year 1891, and that she then removed to the Choctaw-Chickasaw country. She was married March 22, 1871, to the said Thomas J. O'Quinn, prior to her removal to the Territory. It further appears that she is the daughter of John T. Thompson, deceased, a one-eighth Choctaw, by Mary J. Kerr, a white woman; further that the said John T. Thompson is a son of Archibald Thompson, and that the latter was the son of Henry Thompson, a white man, by a half-blood Choctaw woman named Margaret McCoy. It is here noted that the Archibald Thompson referred to above was the uncle of the principal applicant in the case of William C. Thompson et al., N. C. R. 341. The record also shows that the name of Mrs. O'Quinn, as well as the names of her husband and children, appear upon the 1896 roll of the Choctaw Nation.

According to the opinions referred to above, the Department has jurisdiction to determine these cases upon their merits, inasmuch as the applicants are so enrolled. Those of them who are of Choctaw blood are entitled to be enrolled, inasmuch as they removed to the Choctaw-Chickasaw country and established a residence therein prior to June 28, 1896. It does not appear, however, that Thomas J. O'Quinn, who claims by intermarriage, is entitled to enrollment. This conclusion follows because his mar-

riage to Mary E. O'Quinn occurred in Texas in 1871 at a time when he had not, so far as the record reveals, been a citizen of the Indian Territory for several years, if at all. Under such circumstances, it is considered he would be barred from enrollment by the act of the Choctaw Council approved October, 1840. See page 120, eighth annual report of the Commission to the Five Civilized Tribes. Nor does the record disclose that subsequent to his removal to the Territory he remarried the principal applicant in accordance with the tribal laws.

Although modifying its decision as indicated above, concerning the enrollment of the applicants embraced under title M.C.R. 7124, the Department adheres to its former decision in so far as it was determined therein that they are not entitled to identification as Mississippi Choctaws.

Title M.C.R. 581 includes the application of Rufus O. Thompson for the enrollment of himself as a Choctaw by blood, and the enrollment of his wife, Martha Louisiana Thompson, as a citizen by intermarriage of the Choctaw Nation. The principal applicant included under this title is a brother of the said Mary E. O'Quinn. He was born in Texas and resided therein until about the year 1891, when he removed to the Indian Territory. His name and that of his wife appear upon the 1896 census roll of the Choctaw Nation, placed thereon by the revisory committee in January, 1897.

Accordingly, the Department has jurisdiction to determine

his case upon its merits, and it now finds that by blood and residence he is entitled to enrollment as a citizen by blood of the Choctaw Nation, and his wife as a citizen by intermarriage thereof. See opinions referred to above, relative to the enrollment of James S. Long and William C. Thompson.

It does not appear, however, that the decision of the Department, to the effect that the applicants embraced under title M.C.R. 581 are not entitled to identification as Mississippi Choctaws, should be disturbed.

Title M.C.R. 458 includes the application of Mattie Holloway for the enrollment of herself and her minor children, Ivy Belensiefen, Jessie Holloway, Willie Holloway, and Hallie Hazel Holloway, as citizens by blood of the Choctaw Nation, and for their identification as Mississippi Choctaws. The principal applicant removed to the Choctaw-Chickasaw country in 1894. Her Choctaw blood is established by the showing that she is the daughter of the said Mary E. O'Quinn.

The Department adheres to its former decision that she and her children are not entitled to identification as Mississippi Choctaws, but concludes, in view of the approved opinions referred to above, that by blood and residence she and her children are entitled to enrollment as citizens by blood of the Choctaw Nation. The jurisdiction of the Department in this case to determine the rights of the applicants upon their merits is based

-5-

upon the fact that their names appear upon the 1896 census roll of the Choctaw Nation.

For the reasons set forth above, the decision of the Department of April 5, 1905, is rescinded, and the decision of the Commission to the Five Civilized Tribes of March 5, 1904, is reversed, to the extent indicated herein, and you are now directed to enroll all of the applicants in this case except Thomas J. O'Quinn.

The order directing the suspension of all enrollment and allotment proceedings affecting the applicants in the consolidated case of William C. Thompson et al. is hereby revoked, in so far as it affects the applicants mentioned herein.

Respectfully,

(SIGNED) THOS. RYAN,

First Assistant Secretary.

Through the Commissioner  
of Indian Affairs.

COPY

MCR 7124  
7-5996

Muskogee, Indian Territory, April 11, 1906.

Mary E. O'Quinn,  
Marlow, Indian Territory.

Dear Madam:

You are hereby advised that on April 4, 1906 (I.T.D. 4222-1906), the Secretary of the Interior, after a reconsideration by the Assistant Attorney General for the Department, of the Choctaw enrollment case of Wm. C. Thompson, et al., directed the enrollment of yourself and your children, James Walter, Dora E., Thomas M. and Ora May O'Quinn as citizens by blood of the Choctaw Nation.

The names of yourself and your children above mentioned will be included upon the next schedule of citizens by blood of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

The Secretary of the Interior also held, in his decision of April 4, 1906, that your husband, Thomas J. O'Quinn, having been married to you in Texas in 1871 at a time when he had not been a citizen of the Indian Territory, and never having been married to you subsequent to his removal to the Indian Territory, is not entitled to enrollment as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

SIGNED *Wm. O. Scall.*

Acting Commissioner

Muskogee, Indian Territory, April 19, 1906.

Carlock & Cruce,

Ardmore, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of April 16, 1906, in which you ask the status of the citizenship of T. J. O'Quinn of Marlow, Indian Territory, and whether or not his improvements are protected against any one filing thereon; you state you understand O'Quinn is an applicant for enrollment as a Mississippi Choctaw and you are unable to find out his present status.

In reply to your letter you are advised that it does not appear from the records of this office that T. J. O'Quinn is an applicant for enrollment as a citizen of the Choctaw Nation or for identification as a Mississippi Choctaw.

You are informed, however, that on April 4, 1906, the Secretary of the Interior directed this office to enroll Mary E. O'Quinn, James, Walter O'Quinn, Dora E. O'Quinn, Thomas M. O'Quinn, and Ora May O'Quinn, wife and children of Thomas J. O'Quinn as citizens of the Choctaw Nation.

As you do not state the client who desires to select the

C & C #2

land claimed by T. J. O'Quinn it is therefore impossible to ascertain whether he is an enrolled citizen or freedman of the Choctaw or Chickasaw Nation, and it is impracticable to advise you with reference to filing a contest in his behalf.

Respectfully,

Acting Commissioner.



7-5996

Muskogee, Indian Territory, June 29, 1906.

D. F. Giles,

R. F. D. No. 2, Box 3,

Avena, Oklahoma.

Dear Sir:-

Receipt is hereby acknowledged of your letter of June 19, 1906, in which you state that your mother is a sister of John Thompson and you are a brother of Mary Oquin, and you ask if you can now be enrolled.

In reply you are advised that it does not appear from the records of this office that application has been made by you or in your behalf for enrollment as a citizen of the Chectaw Nation, and your attention is invited to the following provision of the Act of Congress, approved April 26, 1906:

"That after the approval of this Act no person shall be enrolled as a citizen or freedman of the Chectaw, Chickasaw, Cherokee, Creek, or Seminole tribes of Indians in the Indian Territory, except as herein otherwise provided, unless application for enrollment was made prior to December first, nineteen hundred and five, and the records in charge of the Commissioner to the Five Civilized Tribes shall be conclusive evidence as to the fact of such application."

Respectfully,

Commissioner.



7-5996  
23-355

Muskogee, Indian Territory, October 13, 1906.

James W. O'Quin,

Marlow, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of marriage certificate between Walter J. O'Quin and Lena Larkins, and the same has been filed with the record in the matter of the enrollment of your child, Jessie Gilbert O'Quin.

You are requested to advise this office if the Walter J. O'Quin referred to in this evidence of marriage is the James Walter O'Quin who appears in the application for the enrollment of Jessie Gilbert O'Quin as the father of this child, and if so please explain the discrepancy in names.

Respectfully,

MH

Commissioner.

SPECIAL

J.P.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

FHE.

1. T. D. 11238-1906.  
4222- "  
2202-1906.

January 15, 1907.

IRS.

Commissioner to the Five Civilized Tribes,  
Muskegee, Indian Territory.

Sir:

Referring to departmental letters of March 24, 1906, and  
March 25, 1906 (three letters), and April 24, 1906 (eight  
letters), in the matter of the Mississippi Choctaw case of  
William C. Thompson, et al., you are directed to suspend action,  
until further advised, relative to the enrolment and allotment  
of lands to any of the applicants directed to be enrolled by  
the Department, as the papers in the case will be submitted to the  
Attorney-General in accordance with the direction of the President  
on the 12th instnat.

You will inform the United States Indian Agent of allotments  
that may have been made to any of the claimants, in order that  
he may inform the Department, through the Indian Office, of any  
applications to his office affecting the lands in such allotments.

Respectfully,

(Signed) Theo Ryan

First Assistant Secretary.

D. C. 10915-1907.

JP.

DEPARTMENT OF THE INTERIOR,

LLB

WASHINGTON.

February 23, 1907.

I. T. D. 4564-1907.

L. R. S.

Direct.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

Confirming telegram of this date, as follows--

"You are directed to inspect the partial rolls of citizens of the Choctaw and Chickasaw nations to determine what persons have been enrolled thereon contrary to the views expressed by the Attorney-General in opinion of February 19, copy sent you this day, and whose names should be stricken therefrom. You will furnish the Department a list of such names with roll numbers, and give such information that it may readily determine whether such names should be stricken from the rolls. This information should reach the Department before March first. Take like action relative to the rolls of the Cherokee and Creek nations.

It was held in such opinion, among other things, that the decisions of the Commission under act of 1896, not appealed from, were final, and that the decisions of the Choctaw and Chickasaw Citizenship Court were final, whether claimant's name was on tribal rolls or not.

Decisions of the Department, based upon opinions of the Assistant Attorney-General, in favor of claimants in the cases of Loula West et al., William C. Thompson et al., and Richard B. Coleman et al. are rescinded in letter to you of this day. The decision of the Department in the Ethel Pierson case, minor child of a Choctaw freedman, is sustained in the opinion of the Attorney-General.

E. A. Hitchcock,  
Secretary."

a copy of the opinion of the Attorney-General referred to therein is inclosed, and you are directed to strike the names of the claimants in the Choctaw enrollment cases of Loula West et al., if enrolled; William C. Thompson et al., and Richard B. Coleman et al. from the partial roll of citizens of the Choctaw Nation, as of this date, referring to this letter as your authority. Advise the Department of your action, giving roll numbers, etc., in order that the parts of the rolls in the possession of the Department and the Indian Office may be made to show the cancellation.

In accordance with said opinion, the enrollment of Cyrus H. Kingsbury and Lucy E. Littlepage will be allowed to stand. The patent in favor of Cyrus H. Kingsbury received with your letter of March 10, 1896, has been approved and is inclosed.

As soon as practicable you will advise the Department relative to the status of any land, whether patented, etc., that may have been selected by any person hereby stricken from the rolls or to be stricken from such rolls, and make such recommendations as to the course that should be pursued concerning such tracts as you deem proper.

A carbon copy hereof has been sent to the Indian Office.

Respectfully,

E. A. Hitchcock,

Secretary.

2 inclosures.

COPY

*Mary E. Thompson*

DEPARTMENT OF JUSTICE.

WASHINGTON.

February 19, 1907.

The Secretary of the Interior.

Sir:

I have the honor to communicate to you my opinion in certain Choctaw Indian citizenship cases, the first two submitted by your letter of May 29, 1906, and the others by the direction of the President under date of January 15, 1907.

1. The first case is that of Myrtie Randolph and her brother W. J. Thompson, in regard to which you say:

Myrtie Randolph and W. J. Thompson are children of Giles Thompson, white, intermarried in the Choctaw Nation in Mississippi prior to the treaty of September 27, 1830 (7 Stat., 333), and was one of the parties named by supplementary article II (ib. 340,) as entitled to a section and a half, reserved to him from the ceded lands, to be so selected as "to include their present residence and improvement." His first and second wives were Choctaws. His name appears on page 64, volume 7, American State Papers (Public Lands), as a beneficiary of Article XIX of the treaty of September 27, 1830, and on page 28, volume 1 of the record in suit of the Choctaw Nation v. United States, Court of Claims. He was registered under the treaty as citizen of the Choctaw Nation, Mushulatubbee's District, and with his family was transported under the treaty as Choctaws, at expense of the United States, from Mississippi to the Choctaw Nation, west, prior to October 24, 1833, when he petitioned the President, from Doakesville, near the Red River, in the southern part of the Choctaw Nation, to approve sale of his Mississippi lands to James Gay, of Mississippi, and for issue of patent therefor (copy A enclosed). In the Choctaw Nation, west, in Indian Territory, in 1863, in accordance to Choctaw law, he married a white woman, citizen of the United States, of whom the applicants were born. He was living October 19, 1865, and was paid by the Choctaw Nation for beaves furnished June 1865. (Copy of Act of Council of October 19, 1865, is enclosed, B). He continued to live in the Nation, and was recognized as a citizen, until his death, aged seventy-six years, and his estate was administered

in the Choctaw Courts as that of an Indian and within their jurisdiction. The applicants--his children-- were born in the Choctaw Nation, were admitted to and attended the Choctaw schools as Choctaws, and in all respects enjoyed and were accorded the privileges of native born Choctaws. The applicants were enrolled by the Choctaw Committee on Citizenship in 1892, as Choctaw citizens. The Department is not yet advised whether they are borne on any other of the Choctaw rolls. They settled and improved tribal lands, as the father before had done in Mississippi, as Choctaws, erected homes, and were never ousted or objected to or regarded as intruders.

September 8, 1896, these applicants and others applied to the Commission to the Five Civilized Tribes for enrollment under the Act of June 10, 1896 (29 Stat., 321, 339), and December 7, 1896, were denied. Applicants appealed to the United States Court, Southern District, Indian Territory, which, January 18, 1898, reversed the Commission, and admitted the applicants. From this judgment the Nation appealed and the judgment was affirmed (reported as *Stephens v. Cherokee Nation and Choctaw Nation v. Robinson*, 174 U.S., 445, foot-note page 469, case No. 587; same v. *Randolph et al.*). Subsequently, under the act of July 1, 1902 (32 Stat., 641, 646-9), the matter was brought by appeal of the nations to the Choctaw-Chickasaw Citizenship Court, which, November 29, 1904, denied the application--copy of opinion wherein and in *Wall v. Choctaw Nation et al.*, and in *E. H. Bounds v. Choctaw and Chickasaw Nations*, whereon both were founded are enclosed (C, D, E).

The validity and finality of the Citizenship Court are therefore a vital feature of this case. In regard to its judgment you say in your letter:

Bearing upon the validity of this judgment, your attention is called to the fact that the act of June 10, 1896 gave no power to the Commission to the Five Civilized Tribes to purge the tribal rolls, which were by the act confirmed. Power to purge the rolls was first conferred on the Commission by the Act of June 7, 1897 (30 Stat., 84), and further by Section 21, act of June 28, 1898 (30 Stat., 498, 502). Wherefore this Department holds that no jurisdiction was given the Commission, or to the Courts on appeal therefrom, to exclude persons having tribal recognition and borne on the tribal rolls, but that such persons, notwithstanding prior adverse action by the Commission, or the courts, are entitled to enrollment under the act of 1898 and supplementary acts, unless their inscription on the tribal rolls was procured by fraud or was without authority of law. Such has been the

rule of this Department since decision in the case of Wiley Adams May 21, 1903, discussed and concurred in by the Assistant Attorney-General, Interior Department (opinions of March 24, 1905, in cases of Benjamin J. Vaughn and Mary Elizabeth Martin. In Vaughn's case counsel for the nations acceded to it as the proper rule.

To determine the validity and finality of the judgment of the Citizenship Court, as well as other questions arising in these cases, it is necessary to consider carefully the entire legislation of the Congress on this subject.

The act of June 10, 1896 (29 Stat. 321, 339), directed the Commission to the Five Civilized Tribes in the Indian Territory to continue the exercise of the authority theretofore conferred upon them to negotiate with such tribes for the extinguishment of the tribal title to their lands, by the cession of the same or a part thereof to the United States, or their allotment in severalty to the members of such tribes, with a view to the ultimate creation of a State or States embracing such lands.

That act also provided:

That said commission is further authorized and directed to proceed at once to hear and determine the application of all persons who may apply to them for citizenship in any of said nations, and after such hearing they shall determine the right of such applicant to be so admitted and enrolled; Provided, however, That such application shall be made to such Commissioners within three months after the passage of this Act. The said Commission shall decide all such applications within ninety days after the same shall be made. That in determining all such applications said commission shall respect all laws of the several nations or tribes, not inconsistent with the laws of the United States, and all treaties with either of said nations or tribes, and shall give due force and effect to the laws, usages, and customs



of each of said nations or tribes. And provided, further, That the rolls of citizenship of the several tribes as now existing are hereby confirmed, and any person who shall claim to be entitled to be added to said rolls as a citizen of either of said tribes and whose right thereto has either been denied or not acted upon, or any citizen who may within three months from and after the passage of this Act desire such citizenship, may apply to the legally constituted court or committee designated by the several tribes for such citizenship, and such court or committee shall determine such application within thirty days from the date thereof.

In the performance of such duties said commission shall have power and authority to administer oaths, to issue process for and compel the attendance of witnesses, and to send for persons and papers, and all depositions and affidavits and other evidence in any form whatsoever heretofore taken where the witnesses giving such testimony are dead or now residing beyond the limits of said Territory, and to use every fair and reasonable means within their reach for the purpose of determining the rights of persons claiming such citizenship, or to protect any of said nations from fraud or wrong, and the rolls so prepared by them shall be hereafter held and considered to be the true and correct rolls of persons entitled to the rights of citizenship in said several tribes: Provided, That if the tribe, or any person, be aggrieved with the decision of the tribal authorities or the commission provided for in this Act, it or he may appeal from such decision to the United States district court; Provided, however, That the appeal shall be taken within sixty days, and the judgment of the court shall be final.

That the said commission, after the expiration of six months, shall cause a complete roll of citizenship of each of said nations to be made up from their records, and add thereto the names of citizens whose right may be conferred under this Act, and said rolls shall be, and are hereby, made rolls of citizenship of said nations or tribes, subject, however, to the determination of the United States courts, as provided herein.

The commission is hereby required to file the lists of members as they finally approve them with the Commissioner of Indian Affairs to remain there for use as the final judgment of the duly constituted authorities.

The act of June 7, 1897 (30 Stat. 62,84) contained this provision:

That said commission shall continue to exercise all



authority heretofore conferred on it by law to negotiate with the Five Tribes, and any agreement made by it with any one of said tribes, when ratified, shall operate to suspend any provisions of this Act if in conflict therewith as to said nation; Provided, That the words "rolls of citizenship", as used in the act of June tenth, eighteen hundred and ninety-six, making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian Tribes for the fiscal year ending June thirtieth, eighteen hundred and ninety-seven, shall be construed to mean the last authenticated rolls of each tribe which have been approved by the council of the nation, and the descendants of those appearing on such rolls, and such additional names and their descendants as have been subsequently added, either by the council of such nation, the duly authorized Courts thereof, or the commission under the act of June tenth, eighteen hundred and ninety-six. And all other names appearing upon such rolls shall be open to investigation by such commission for a period of six months after the passage of this Act. And any name appearing on such rolls and not confirmed by the Act of June tenth, eighteen hundred and ninety-six, as herein construed, may be stricken therefrom by such commission where the party affected shall have ten days previous notice that said commission will investigate and determine the right of such party to remain upon such roll as a citizen of such nation; Provided, also, That any one whose name shall be stricken from the roll by such commission shall have the right of appeal, as provided in the Act of June tenth, eighteen hundred and ninety-six.

The act of June 28, 1898 (30 Stat. 495, 502-3), provided:

Sec. 21. That in making rolls of citizenship of the several tribes as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and

they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such inter-married white persons as may be entitled to citizenship under Cherokee laws.

X X X X X X X X  
Said commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes.

X X X X X X X X X  
The rolls so made, when approved by the Secretary of the Interior, shall be final, and the persons whose names are found thereon, with their descendants thereafter born to them, with such persons as may intermarry according to tribal laws, shall alone constitute the several tribes which they represent.

The act of May 31, 1900 (31 Stat. 221, 236), provided:

That said commission shall continue to exercise all authority heretofore conferred upon it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in the Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such application shall be final when approved by the Secretary of the Interior.

The act of March 3, 1901 (31 Stat., 1058, 1077), contained this provision:

The rolls made by the Commission to the Five Civilized Tribes, when approved by the Secretary of the Interior, shall be final, and the persons whose names are found thereon shall alone constitute the several tribes which they represent; and the Secretary of the Interior is authorized and directed to fix a time by agreement with said tribes or either of them for closing said rolls, but upon failure or refusal of said tribes or any of them to agree thereto, then the Secretary of the Interior shall fix a time for closing said rolls, after which no name shall be added thereto.

The Secretary of the Interior -

7.

The act of July 1, 1902 (32 Stat. 641) ratified an agreement made by the Commission to the Five Civilized Tribes with the Commission representing the Choctaw and Chickasaw Tribes. This agreement was subsequently ratified by those two nations as required therein. In regard to rolls of citizenship it provided:

27. The rolls of the Choctaw and Chickasaw citizens and Choctaw and Chickasaw freedmen shall be made by the Commission to the Five Civilized Tribes, in strict compliance with the act of Congress approved June 28, 1898 (30 Stat., 496), and the act of Congress approved May 31, 1900 (31 Stat., 221), except as herein otherwise provided: Provided, That no person claiming right to enrollment and allotment and distribution of tribal property, by virtue of a judgment of the United States court in the Indian Territory under the act of June 10, 1896 (29 Stats., 321), and which right is contested by legal proceedings instituted under the provisions of this agreement, shall be enrolled or receive allotment of lands or distribution of tribal property until his right thereto has been finally determined.

28. The names of all persons living on the date of the final ratification of this agreement entitled to be enrolled as provided in section 27 hereof shall be placed upon the rolls made by said Commission; and no child born thereafter to a citizen or freedman and no person intermarried thereafter to a citizen shall be entitled to enrollment or to participate in the distribution of the tribal property of the Choctaws and Chickasaws.

29. No person whose name appears upon the rolls made by the Commission to the Five Civilized Tribes as a citizen or freedman of any other tribe shall be enrolled as a citizen or freedman of the Choctaw or Chickasaw nations.

30. For the purpose of expediting the enrollment of the Choctaw and Chickasaw citizens and Choctaw and Chickasaw freedmen, the said Commission shall, from time to time, and as early as practicable, forward to the Secretary of the Interior lists upon which shall be placed the names of those persons found by the Commission to be entitled to enrollment. The lists thus prepared, when approved by the Secretary of the Interior, shall constitute a part and parcel of the final

roll of citizens of the Choctaw and Chickasaw tribes and of Choctaw and Chickasaw freedmen, upon which allotment of land and distribution of other tribal property shall be made as herein provided. Lists shall be made up and forwarded when contests of whatever character shall have been determined, and when there shall have been submitted to and approved by the Secretary of the Interior lists embracing names of all those lawfully entitled to enrollment, the rolls shall be deemed complete. The rolls so prepared shall be made in quintuplicate, one to be deposited with the Secretary of the Interior, one with the Commissioner of Indian Affairs, one with the principal chief of the Choctaw Nation, one with the governor of the Chickasaw Nation, and one to remain with the Commission to the Five Civilized Tribes.

31. It being claimed and insisted by the Choctaw and Chickasaw nations that the United States courts in the Indian Territory acting under the Act of Congress approved June 10, 1896, have admitted persons to citizenship or to enrollment as such citizens in the Choctaw and Chickasaw nations, respectively, without notice of the proceedings in such courts being given to each of said nations; and it being insisted by said nations that, in such proceedings, notice to each of said nations was indispensable, and it being claimed and insisted by said nations that the proceedings in the United States courts in the Indian Territory, under the said Act of June 10, 1896, should have been confined to a review of the action of the Commission to the Five Civilized Tribes, upon the papers and evidence submitted to such commission, and should not have extended to a trial de novo of the question of citizenship; and it being desirable to finally determine these questions, the two nations, jointly, or either of said nations acting separately and making the other a party defendant, may, within ninety days after this agreement becomes effective, by a bill in equity filed in the Choctaw and Chickasaw citizenship court hereinafter named, seek the annulment and vacation of all such decisions by said courts. Ten persons so admitted to citizenship or enrollment by said courts, with notice to one but not to both of said nations, shall be made defendants to said suit as representatives of the entire class of persons similarly situated, the number of such persons being too numerous to require all of them to be made individual parties to the suit; but any person so situated may, upon his application, be made a party defendant to the suit. Notice of the institution of said suit shall be personally served upon the chief executive of the defendant nation, if either nation be made a party defendant as aforesaid, and upon each of said ten representative defendants,

and shall also be published for a period of four weeks in at least two weekly newspapers having general circulation in the Choctaw and Chickasaw Nations. Such notice shall set forth the nature and prayer of the bill, with the time for answering the same, which shall not be less than thirty days after the last publication. Said suit shall be determined at the earliest practicable time, shall be confined to a final determination of the questions of law here named, and shall be without prejudice to the determination of any charge or claim that the admission of such persons to citizenship or enrollment by said United States courts in the Indian Territory was wrongfully obtained as provided in the next section. In the event said citizenship judgments or decisions are annulled or vacated in the test suit hereinbefore authorized, because of either or both of the irregularities claimed and insisted upon by said nations as aforesaid, then the files, papers, and proceedings in any citizenship case in which the judgment or decision is so annulled or vacated, shall, upon written application therefor, made within ninety days thereafter by any party thereto, who is thus deprived of a favorable judgment upon his claimed citizenship, be transferred and certified to said citizenship court by the court having custody and control of such files, papers and proceedings, and upon the filing in such citizenship court of the files, papers and proceedings in any such citizenship case, accompanied by due proof that notice in writing of the transfer and certification thereof has been given to the chief executive officer of each of said nations, said citizenship case shall be docketed in said citizenship court, and such further proceedings shall be had therein in that court as ought to have been had in the court to which the same was taken on appeal from the Commission to the Five Civilized Tribes, and as if no judgment or decision had been rendered therein.

32 Said citizenship court shall also have appellate jurisdiction over all judgments of the courts in Indian Territory rendered under said Act of Congress of June tenth, eighteen hundred and ninety six, admitting persons to citizenship or to enrollment as citizens in either of said nations. The right of appeal may be exercised by said nations jointly or by either of them acting separately at any time within six months after this agreement is finally ratified. In the exercise of such appellate jurisdiction said citizenship court shall be authorized to consider, review, and revise all such judgments, both as to findings of fact and conclusions of law, and may, whenever in its judgment substantial justice will thereby be subserved, permit either party to any such appeal to take and present such further evidence as may be

necessary to enable said court to determine the very right of the controversy. And said court shall have power to make all needful rules and regulations prescribing the manner of taking and conducting said appeals and of taking additional evidence therein. Such citizenship courts shall also have like appellate jurisdiction and authority over judgments rendered by such courts under the said act denying claims to citizenship or to enrollment as citizens in either of said nations. Such appeals shall be taken within the time hereinbefore specified and shall be taken, conducted and disposed of in the same manner as appeals by the said nations, save that notice of appeals by citizenship claimants shall be served upon the chief executive officer of both nations; Provided, That paragraphs thirty-one, thirty-two and thirty-three thereof shall go into effect immediately after the passage of this Act by Congress.

33. A court is hereby created to be known as the Choctaw and Chickasaw Citizenship Court, the existence of which shall terminate upon the final determination of the suits and proceedings named in the last two preceding sections, but in no event later than the thirty-first day of December, nineteen hundred and three. Said court shall have all authority and power necessary to the hearing and determination of the suits and proceedings so committed to its jurisdiction, including the authority to issue and enforce all requisite writs, process and orders, and to prescribe rules and regulations for the transaction of its business. It shall also have all the powers of a circuit court of the United States in compelling the production of books, papers and documents, the attendance of witnesses, and in punishing contempt. Except where herein otherwise expressly provided, the pleadings, practice and proceedings in said court shall conform, as near as may be, to the pleadings, practice and proceedings in equity causes in the Circuit Courts of the United States. The testimony shall be taken in court or before one of the judges, so far as practicable. Each judge shall be authorized to grant, in vacation or recess, interlocutory orders and to hear and dispose of interlocutory motions not affecting the substantial merits of the case. Said court shall have a chief judge and two associate judges, a clerk, a stenographer, who shall be deputy clerk, and a bailiff. The judges shall be appointed by the President, by and with the advice and consent of the Senate, and shall each receive a compensation of five thousand dollars per annum, and his necessary and actual traveling and personal expenses while engaged in the performance of his duties. The clerk, stenographer, and bailiff shall be appointed by the judges, or a majority of them, and shall receive the following yearly compensation:



Clerk, two thousand four hundred dollars; stenographer, twelve hundred dollars; bailiff, nine hundred dollars. The compensation of all these officers shall be paid by the United States in monthly installments. The moneys to pay said compensation are hereby appropriated, and there is also appropriated the sum of five thousand dollars, or so much thereof as may be necessary, to be expended under the direction of the Secretary of the Interior, to pay such contingent expenses of said court and its officers as to such Secretary may seem proper. Said court shall have a seal, shall sit at such place or places in the Choctaw and Chickasaw nations as the judges may designate, and shall hold public sessions, beginning the first Monday in each month, so far as may be practicable or necessary. Each judge and the clerk and deputy clerk shall be authorized to administer oaths. All writs and process issued by said court shall be served by the United States marshal for the district in which the service is to be had. The fees for serving process and the fees of witnesses shall be paid by the party at whose instance such process is issued or such witnesses are subpoenaed, and the rate or amount of such fees shall be the same as is allowed in civil causes in the circuit court of the United States for the western district of Arkansas. No fees shall be charged by the clerk or other officers of said court. The clerk of the United States Court in Indian Territory, having custody and control of the files, papers, and proceedings in the original citizenship cases, shall receive a fee of two dollars and fifty cents for transferring and certifying to the citizenship court the files, papers, and proceedings in each case, without regard to the number of persons whose citizenship is involved therein, and said fee shall be paid by the person applying for such transfer and certification. The judgment of the citizenship court in any or all of the suits or proceedings so committed to its jurisdiction shall be final. All expenses necessary to the proper conduct, on behalf of the nations, of the suits and proceedings provided for in this and the two preceding sections shall be incurred under the direction of the executives of the two nations, and the Secretary of the Interior is hereby authorized, upon certificate of said executives, to pay such expenses as in his judgment are reasonable and necessary out of any of the joint funds of said nations in the Treasury of the United States.

It appears that the agreement in these paragraphs provides for the establishment of the Choctaw and Chickasaw Citizenship Court, and gives it jurisdiction of a test suit to annul and va-

cate the decisions of the United States courts in the Indian Territory admitting persons to citizenship and enrollment as citizens of the Choctaw and Chickasaw nations, respectively, on the ground of want of notice to both of said nations and because the United States courts tried such cases de novo, with a right in the event such judgments should be annulled because of either or both of the irregularities mentioned, on the part of any party thus deprived of a favorable judgment to remove his case to the Citizenship Court, where such further proceedings were to be had therein "as ought to have been had in the court to which the same was taken on appeal from the Commission to the Five Civilized Tribes, as if no judgment or decision had been rendered therein; and also "appellate jurisdiction over all judgments of the courts in Indian Territory, rendered under said act of Congress of June tenth, eighteen hundred and ninety-six, admitting persons to citizenship or to enrollment in either of said nations." In the exercise of such appellate jurisdiction the citizenship court was "authorized to consider, review, and revise all such judgments, both as to findings of fact and conclusions of law, and may, whenever in its judgment substantial justice will thereby be subserved, permit either party to any such appeal to take and present such further evidence as may be necessary to enable said court to determine the very right of the controversy."

It will be noted that the agreement further provides (paragraph 33) that "the judgment of the citizenship court in any of



all of the suits or proceedings so committed to its jurisdiction shall be final."

The agreement also contained this provision:

34. During the ninety days first following the date of the final ratification of this agreement, the Commission to the Five Civilized Tribes may receive applications for enrollment only of persons whose names are on the tribal rolls, but who have not heretofore been enrolled by said Commission, commonly known as "delinquents", and such intermarried white persons as may have married recognized citizens of the Choctaw and Chickasaw Nations in accordance with the tribal laws, customs and usages on or before the date of the passage of this Act of Congress, and such infant children as may have been born to recognized and enrolled citizens on or before the date of the final ratification of this agreement; but the application of no person whomsoever for enrollment shall be received after the expiration of the said ninety days; Provided, That nothing in this section shall apply to any person or persons making application for enrollment as Mississippi Choctaws, for whom provision has herein otherwise been made.

By the Act of April 21, 1904 (33 Stat. 189,204), it was provided that the Commission to the Five Civilized Tribes should conclude its work and terminate on or before July 1, 1905, and cease to exist on that date, the powers theretofore conferred upon it being continued.

By the Act of March 3, 1905 (33 Stat. 1048,1060), it was provided "that the work of completing the unfinished business, if any, of the Commission to the Five Civilized Tribes shall devolve upon the Secretary of the Interior, and that all the powers heretofore granted to the said Commission to the Five Civilized Tribes are hereby conferred upon the said Secretary on and after the first of July, nineteen hundred and five."

By the act of April 26, 1906 (34 Stat. 137), it was provided:

That after the approval of this Act no person shall be enrolled as a citizen or freedman of the Choctaw, Chickasaw, Cherokee, Creek, or Seminole tribes of Indians in the Indian Territory, except as herein otherwise provided, unless application for enrollment was made prior to December first, nineteen hundred and five, and the records in charge of the Commissioner to the Five Civilized Tribes shall be conclusive in evidence as to the fact of such application; and no motion to reopen or reconsider any citizenship case, in any of said tribes, shall be entertained unless filed with the Commissioner to the Five Civilized Tribes within sixty days after the date of the order or decision sought to be reconsidered except as to decisions made prior to the passage of this act, in which cases such motion shall be made within sixty days after the passage of this act. X X X

By that act the rolls of citizenship of the several tribes were required to be completed March 4, 1907.

After very carefully considering this legislation, in the light of the circumstances under which it was enacted, I am constrained to the conclusion that the Citizenship Court had jurisdiction of the cases now under consideration, and that its judgment therein is final.

By the act of June 10, 1896, the Commission to the Five Civilized Tribes was "authorized and directed to proceed at once to hear and determine the application of all persons who may apply to them for citizenship in any of said nations." It is true that this act also confirmed the then existing rolls of the several tribes, but the question whether an applicant was, as matter of fact, already duly enrolled upon one of the rolls so confirmed constituted, in my opinion, an issue upon which the Commission was authorized and required to pass: the applicant may be fairly

held to have waived by his application the conclusiveness of the confirmation of the rolls in his case.

Independently of any such waiver, I do not see how the proposition that the Commission did not have jurisdiction of the case of a person whose name was upon a tribal roll can be maintained, in the face of the provision of the act of June 10, 1896, that "in determining all such applications said Commission shall x x x give due force and effect to the rolls, usages and customs of each of said nations or tribes." I think that act left it to the Commission to determine whether or not the applicant was upon a roll which was confirmed, and evidently it did not so hold in these cases.

It is unnecessary, however, to determine what might have been the effect of an adverse judgment in the case of an applicant whose name was upon a roll so confirmed for such confirmation was certainly and very materially modified by the act of June 7, 1897, and apparently altogether withdrawn by the act of June 28, 1898. The act of June 7, 1897, provided that the words "rolls of citizenship" as used in the act of June 10, 1896, should be construed to mean the "last authenticated rolls of each tribe which have been approved by the council of the nation". I am informed that there never was any such an authenticated roll of the Chectaw tribe, either at the time of the passage of the act of June 10, 1896, or subsequently thereto. Moreover, by the act of June 28, 1898, it was provided that in making rolls of citizenship of the

several tribes, the Commission should take the Cherokee roll of 1880 as the only roll intended to be confirmed by that and preceding acts of Congress: It seems to be clear from the further provisions of the Act that the Congress did not here refer to the Cherokee rolls only but had in mind those of all the Tribes. To my mind, however, the decisive consideration is that Congress, knowing there were certain cases of contested citizenship in the Choctaw and Chickasaw Nations, referred these cases, under carefully defined conditions, to the Citizenship Court and made the determination of that Court in those cases final. This provision of law repealed, as to cases in this category, any inconsistent provisions (if any there were) in the Act of 1896 or any other prior act. These cases were unquestionably within the terms of the law: the claimants had been admitted to citizenship by decisions of the United States courts, and it seems clear that, under the agreement with the Choctaw and Chickasaw Nations ratified by the act of July 1, 1902, it was intended that the Citizenship Court should have a revisory jurisdiction of judgments of the United States courts in the Indian Territory in citizenship cases, irrespective of the grounds on which these suits had been entertained by the said courts. That agreement was made after the confirmation given to the tribal rolls had been qualified if not withdrawn, and, we must presume with a knowledge of the fact that the Commission, under the act of June 10, 1896, had exercised

jurisdiction in the case of persons whose names appeared upon some of the rolls of the tribes. Its action seems to show that Congress did not intend to confirm any roll of the Chectaw and Chickasaw tribes, but, however that may be when, with a knowledge of all that had gone before, it created the Citizenship Court, this was done, in my opinion, with the evident purpose of giving it jurisdiction of all citizenship cases which had been decided by the United States courts for the Indian Territory on appeal from the judgments of the Commission. As neither Congress nor the Nations made any distinction in the act and agreement referred to as to the cases of persons whose names were on a tribal roll which might have been confirmed by the act of June 10, 1896, if Congress had not decided otherwise I do not think any other authority can make this distinction. Indeed, as I have suggested, the applicants themselves, having voluntarily submitted to the jurisdiction of the Commission, might be fairly held estopped to now deny it.

I understand that it is not contended, nor do I think it could be successfully maintained that any authority to review the judgments of the Citizenship Court was intended to be conferred upon you by Congress when it made the rolls, as finally compiled, subject to your approval (see paragraph 30 of the agreement ratified by the act of July 1, 1902.) Neither do I think that the provision in the act of April 26, 1906, above quoted, as to enrolling

persons and entertaining motions to reopen or reconsider citizenship cases, was intended to recognize or confer any such authority, the purpose of that provision being simply to limit the time in which the authority previously conferred might be exercised. To hold thus would be to treat the later act as a repeal of so much of the former as expressly declared the judgments of the Citizenship Court to be final, which seems to me untenable.

This disposes of the cases of Myrtle Randolph and her brother W. J. Thompson: whatever their intrinsic merits, these claims have been finally decided adversely to the claimants by the judgment of the Citizenship Court.

2. The second case is that of Cyrus H. Kingsbury and Lucy E. Littlepage, in regard to whom you say:

Cyrus H. Kingsbury and Lucy E. Littlepage are children of John Parker-Kingsbury and wife, Hannah Mariah, white, affiliated by act of the Choctaw Council of November 15, 1854, which enacted:

That all rights, privileges and immunities of Choctaw citizens are hereby granted unto John Parker-Kingsbury and to his wife Hannah Mariah, and they shall enjoy all the benefits to which the citizens of this nation may hereafter be entitled, except in the participation of any sum of money which may now be due the nation under treaty stipulations heretofore made.

Both applicants were born in the Choctaw Nation and have always resided there as its recognized citizens. Both are on the tribal Choctaw 1885 census roll, Atoka County, Nos. 819, 821. September 7, 1896, they applied to the Commission to the Five Civilized Tribes under the act of June 10, 1896, were enrolled, and no appeal was taken. Cyrus H.

Kingsbury is on the 1896 Choctaw census roll. Lucy H. Littlepage is on the partial roll of Choctaw citizens by blood, and her husband, Patrick H. Littlepage, on the roll of intermarried citizens--both rolls approved by the Secretary of the Interior, October 21, 1904. Patent, signed and executed by the principal chief of the Choctaw nation, conveying to Cyrus H. Kingsbury allotted tribal lands as a citizen by blood, is now before the Secretary of the Interior for approval, but is not yet approved, or delivered. No objection to occupation of tribal lands was ever made against either applicant as an intruder.

Paragraph 27 of the agreement with the Choctaw and Chickasaw Nations ratified by the act of July 1, 1902, provides that the rolls of Choctaw and Chickasaw citizens shall be made by the Commission to the Five Civilized Tribes "in strict compliance" with the acts of June 28, 1898, and May 31, 1900.

Section 21 of the act of June 28, 1898, after providing that in making rolls of citizenship of the several tribes the Commission shall take the roll of Cherokee citizens of 1880 as the only roll intended to be confirmed by that and preceding acts of Congress, and providing for the enrollment of the Cherokees, authorizes and directs the Commission "to make correct rolls of the citizens by blood of all the other tribes, eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."



It might be held that the only white person intended to be enrolled by this Act were such intermarried ones as were entitled to citizenship under the treaties and laws of the tribes, if it were not for the reference to the tribal rolls, on which, as appears from your statement as to these parties, there were undoubtedly the names of adopted whites. The only names which the Act declares shall be eliminated from the tribal rolls are those placed thereon by fraud or without authority of law, and it is not suggested that the names of these parties were open to either of these objections.

Light, it seems to me, is thrown on this matter by the Act of May 31, 1900, which was also directed to be strictly complied with in making the rolls of citizenship of these tribes. That act is plainly intended to be of a restrictive nature, yet a fair construction of it would seem to authorize the enrollment of these parties. It provides that the Commission shall continue to exercise all authority theretofore conferred upon it by law, "but it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in the Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of any such application shall be final when approved by the Secretary of the Interior."



This act recognizes the authority of the Commission to receive, consider and record the application of a recognized citizen of any of the tribes referred to who has been duly and lawfully enrolled or admitted as such, its refusal of the application of any person not so qualified being made final when approved by the Secretary of the Interior.

These applicants appear to possess all of these qualifications. Your letter states that they were born and have always resided in the Choctaw Nation as its recognized citizens; that their names appear upon various tribal rolls, and that they were admitted by the Commission in 1896 as citizens, no appeal from the decision of the Commission being taken by the Nation. That they were duly and lawfully enrolled by the tribal authorities would seem to result from the fact that both of their parents had been adopted into the tribe, and the failure to contest the action of the Commission in admitting them would indicate that their citizenship rights were regarded as indisputable.

You say that you would not have doubt that these applicants, born to the allegiance of the Choctaw Nation, are entitled to be enrolled, but for the report of my predecessor to the President of February 24, 1906, in the case of persons without Indian blood, and the order to you of February 27, 1906, that "in the President's judgment, without reference to the act of Congress, it is perfectly clear equity demands that the son of white parents, who has no

Indian blood in his veins, even though one of these parents has been adopted into the tribe, should not be treated as an Indian".

The report of Mr. Moody and the order of the President thereon, had reference to the case of children of white persons, one of whom had previously acquired Indian citizenship by virtue of his marriage into the Choctaw tribe, but had afterwards, upon the death of his Indian spouse, married a white person. Mr. Moody was of opinion that the right of citizenship acquired by an intermarried white was a personal right, and could not be conferred upon children by such subsequent marriage, which is also the view taken by the Citizenship Court.

I see no reason to question the soundness of that conclusion, assuming that the matter is still open for consideration. It is expressly provided by the Choctaw act of November 9, 1875, providing for the intermarriage of whites with Choctaws, that a white person intermarrying into the tribe in pursuance of that act should forfeit his rights of citizenship acquired thereunder if upon the death of his Indian spouse he married "a white man or woman, or person, as the case may be, having no rights of Choctaw citizenship by blood."

I am aware that it has been held by one of the United States Courts in the Indian Territory that this law is inconsistent with the treaty of April 23, 1866, but with great respect for the said Court, I do not so consider it. That treaty provides:

Article 28. Every white person who, having married a Choctaw or Chickasaw, resides in the said Choctaw or Chickasaw Nation, or who has been adopted by the legislative authorities, is to be deemed a member of said nation and shall be subject to the laws of the Choctaws and Chickasaw Nations according to his domicile, and to prosecution and trial before their tribunals, and to punishment according to their laws in all respects as though he was a native Choctaw.

This article merely recognizes a pre-existing custom of the Choctaw and Chickasaw Nations as to the intermarriage and adoption of white persons, and cannot fairly be said to have been intended to prevent them from decitizenizing an intermarried person for good cause: and what better cause could there be than that the tie which bound him to the tribe, and because of which alone citizenship was granted, was broken?

An act of the Choctaw Nation, approved October 30, 1896, providing for the enrollment of Choctaw citizens, provided that "the Commission shall enroll as citizens all who come under any one of the following heads, and all such persons are hereby declared citizens of the Choctaw Nation:"

X X X X X X

V. All white men who have married Choctaw women by blood in strict conformity to the laws of the Choctaw Nation of 1875 regulating inter-marriage, or the Chickasaw law of 1876 regulating inter-marriage, and have not been divorced from same nor married any other than a Choctaw woman by blood since said marriage.

X X X X X X

VIII. All white women who have married Choctaws by blood legally and have not been divorced from them nor since married any other than a Choctaw by blood, a recognized citizen and resident of the Choctaw or Chickasaw Nation.

X X X X X X

That act further provided that "the Commissions are especially prohibited from enrolling as citizens any persons coming under the following heads:"

X X X X X X X .

II. The children of any marriage where neither the father nor mother are Choctaws by blood, though one or both of said childrens' parents may have enjoyed intermarried rights.

III. All persons who, though they had at one time intermarried rights, afterwards married a person not a Choctaw by blood (being the father or mother of Choctaw children shall not save a person from this clause.)

X X X X X X X .

VI. All white persons who have been admitted to citizenship with their wife or husband by the General Council and afterward the wife of husband, Choctaw by blood, dying, the surviving party, being a white person, has intermarried with a person not a Choctaw by blood.

X X X X X X X .

It is clear that, at least since 1875, the Choctaw Nation never intended that a white person, intermarrying into the tribe, should have power to confer citizenship upon his children by a subsequent marriage to other than a citizen by blood. The informal opinion of Attorney General Moody unquestionably had reference to cases of this character.

The case of the present applicants is quite different from that just referred to. Here both parents were adopted into the tribe. It must have been contemplated that they might have children, and if so, what was to be their citizenship if not that of their parents?

The facts in the present case answer this inquiry. Your letter states that these applicants have always been recognized as citizens of the Choctaw Nation, that their names appear on the tribal census roll of 1886, as well as upon the rolls prepared in pursuance of the Choctaw act of October 30, 1896. It seems clear, therefore, irrespective of the action of the Commission in admitting them as citizens in pursuance of the authority granted to it by the act of June 10, 1896, that they are clearly entitled to be enrolled for allotment purposes.

3. The Case of Loula (or Lulu) West, et al.

It appears from the papers in this case that Loula West applied to the Commission to the Five Civilized Tribes, pursuant to the Act of June 10, 1896, for admission to citizenship in the Choctaw Nation, and was admitted as a citizen by blood; that the Choctaw Nation appealed to the United States court for the Central District of the Indian Territory, which affirmed the judgment of the Commission; that this judgment was annulled and vacated by the judgment of the Citizenship Court in the test case provided for by the Act of July 1, 1902, (32 Stat. 641, 647); and thereupon she removed her case to that court, which denied her application.

This case is similar to that of Myrtle Randolph and her brother W. J. Thompson, children of Giles Thompson, above referred to, in that it involves the question of the finality of the judg-

ment of the Citizenship Court, it being contended that the Commission in the first instance and the Citizenship Court ultimately on appeal had no jurisdiction of the case because at the time of her application to the Commission her name was upon a tribal roll.

For the reasons heretofore stated, I think this contention is not well founded, and that the Citizenship Court had jurisdiction of such cases, and its judgments therein were final.

4. The Case of William C. Thompson et al.

In this case the record shows that Thompson applied to the Commission to the Five Civilized Tribes, pursuant to the act of June 10, 1896, for the enrollment of himself, his wife, and children with the exception of a daughter Mary M. McNeese, who made a separate application for herself, her husband, a white man, and their children. The Commission denied Thompson's application, and also that of his daughter. No appeal was taken from these judgments, and it is contended, on behalf of the Nation, that under the act of June 10, 1896, they were final and conclusive against the right of these parties to be enrolled.

The claimants, however, rely upon the fact that their names appear upon the tribal roll prepared in pursuance of the Choctaw acts of September 18 and October 30, 1896.

In my judgment, the action of the Commission, under the act of June 10, 1896, not having been appealed from, was final and

conclusive against the right of these parties to be admitted to citizenship, and the Chectaw Nation, even if it attempted to do so, had no right thereafter to admit them. It will be observed that the act of June 10, 1896, provided that applications should be made to the Commission within three months after the passage of the act, and that the Commission should decide all such applications within ninety days after they were made; that the rolls of citizenship of the several tribes as then existing were confirmed, and "any person who shall claim to be entitled to be added to said rolls as a citizen of either of said tribes and whose right thereto has either been denied or not acted upon, or any citizen who may within three months after the passage of this Act desire such citizenship, may apply to the legally constituted court or committee designated by the several tribes for such citizenship, and such court or committee shall determine such application within thirty days from the date thereof;" and that "if the tribe, or any person be aggrieved with the decision of the tribal authorities or the Commission provided for in this Act, it or he may appeal from such decision to the United States District Court: Provided, however, That the appeal shall be taken within sixty days, and the judgment of the court shall be final.

As I read this Act, it authorized application to be made either to the Commission to the Five Civilized Tribes or the "legally constituted court or committee" of such tribes, with a



right of appeal by the party aggrieved by the decision of either to the United States court. Therefore, and in view also of the fact that the act contemplated contemporaneous action by the Commission and the tribal courts, I think it clear that the provision that "any person who shall claim to be entitled to be added to said rolls (the existing rolls of the tribe) as a citizen of either of said tribes whose right thereto has either been denied or not acted upon, "had reference to a previous denial or failure to act of the tribal authorities, and not to the subsequent action or non-action of the Commission, the tense of the verbs-"has either been denied or not acted upon", not "shall be denied or not acted upon"-indicating that past action or non-action was referred to. Prior to the passage of this act the Commission had no jurisdiction of these citizenship matters.

When, therefore, as here, the claimant had applied to the Commission to be admitted and enrolled, and his application denied, his only remedy, under the act in question, lay in an appeal to the United States court. It is true Thompson claims to have received no notice of the denial of his application by the Commission, but that is not a valid excuse.

But aside from this question of jurisdiction in the Choctaw Nation to admit persons to citizenship who had been denied by the Commission, it appears that the Nation never undertook to authorize the admission or enrollment of these parties, and that, in any aspect of the case, they were enrolled without authority of law and their names should, in pursuance of the mandate in the



act of Congress of June 28, 1898, be eliminated from the tribal rolls.

The Choctaw Nation does not appear to have proceeded under the authority of the act of Congress of June 10, 1896, authorizing the establishment by the several tribes of a court or committee for the purpose of passing upon applications for citizenship as provided therein. It was not until September 18, 1896, ten days after the expiration of the period in which applications for citizenship were to be submitted to the "legally constituted court or committee" of the tribes under the act of June 10, 1896, that the Choctaw Council passed the act above referred to. That act provided for the appointment of census commissioners in each county, with authority "to enroll all recognized citizens of the Choctaw Nation by blood, intermarriage and adoption who are recognized as citizens of the Choctaw Nation under the treaties, constitution and law of the said nation." It further provided that "the rolls when completed by said commissioners shall be certified to by said commissioners and delivered to the Principal chief of the Choctaw Nation on or before the twentieth day of October, 1896, to be revised and approved by the next General Council of the Choctaw Nation."

It is manifest that this act conferred no power upon such commissioners to admit any person to citizenship, but only to enroll "recognized citizens." Yet in virtue thereof one of the

county committees assumed to pass upon a petition prepared by Thompson's attorney, under date of August 1, 1896, and addressed to the General Council of the Choctaw Nation, "at its regular session October 1896," praying that "all rights, privileges and immunities of the Choctaw Nation" be granted to himself, his wife, family and certain other relatives," and they be enrolled with the legal citizenship of said Nation."

This petition does not appear ever to have been presented to the Choctaw Council or referred by any competent authority to the committee which assumed to pass upon it. Upon its back is the following endorsement:

William C. Thompson together with the names appearing on the face of the within application, lineal descendants of Margaret McCoy are hereby recognized and admitted to the citizenship of the Choctaw Nation or Tribe of Indians, by the legally constituted Choctaw Census Commission duly assembled at Kiowa, I. T. this the 8th day of October, 1896, upon the testimony of Henry Perkins, Mrs. Lavinia Franklin, they being enrolled Choctaw Indians by blood. The within names parties not being present were passed for further enrollment.

A. G. Folsom,  
Secretary of Census Committee.

This was a manifest attempt to exercise an authority not delegated to the committee.

On October 30, 1896, the Choctaw Council, at its regular session, passed an act creating three commissions, one from each District, one member of each of which to be designated as "Chief Commissioner", "to make a complete roll of the citizens of the Choctaw Nation." By that act it was made the duty of said com-

missions "to examine the rolls made by the commissions under the act of September 18, 1896, and also to expunge from said rolls of September 18, 1896, the names of all persons whom they shall adjudge not to be citizens." It was further provided:

The Commission shall enroll as citizens all who come under any of the following heads, and all such persons are hereby declared citizens of the Choctaw Nation:

1. All Choctaws by blood born and raised in the Choctaw Nation.

11. All Choctaws by blood who have been admitted to citizenship by the General Council and now residents of the Nation.

X X X X X X

It was provided that "at the expiration of the time allowed the commissions in each District, the Chief Commissioner shall meet at Tushka Homma at their earliest convenience and not later than the first Monday in December 1896, and shall revise the Rolls made by their respective District Commissions during the succeeding ten days after they meet". The Chief Commissioners were authorized to "enroll the name of any citizen who for any good cause failed to appear before the District Commissions". It was further provided that "the Roll as completed and signed by the Chief Commissioners, when approved by the Principal Chief, shall be the legal and authorized Roll of citizens of the Choctaw Nation.

These parties were enrolled by the revisory board, but that their enrollment was unauthorized is clear. The act just referred to only authorized the enrollment of Choctaws by blood who were

"born and raised" in the Choctaw Nation or had "been admitted to citizenship by the General Council." The applicants possessed neither of these qualifications. According to his own statement, William C. Thompson was not raised in the Choctaw Nation, having been taken to Mississippi shortly after his birth, and returning only once during his boyhood for about a year. It is further stated that he remained in Mississippi until the war, when he went to Texas, not returning again to the Choctaw Nation until 1887. He had never been "admitted to citizenship by the General Council". His wife and children could claim no greater rights than he possessed. The other applicants named in his petition were descendants of his brother, who was born in Mississippi and whose record appears to be otherwise about the same as William C. Thompson's.

Moreover, it appears from the opinion of the Assistant Attorney General for the Interior Department of March 24, 1905, in the case of Mary Elisabeth Martin, that on July 17, 1897, the Principal Chief of the Choctaw Nation advised the Commission to the Five Civilized Tribes that he had refused to approve the last revised roll made in accordance with the act of October 30, 1896, because he was satisfied there were some names thereon "that have been registered through fraud or misrepresentation." As such approval was necessary in order to make the roll so prepared "the legal and authorized roll of citizens of the Choctaw Nation," it

would seem that in no aspect of the case could these parties be said to be lawfully admitted and enrolled.

It further appears that these applicants, or some of them, including William G. Thompson, applied in 1900 to the Commission for the Five Civilized Tribes for identification as Mississippi Choctaws under the following provision of section 21 of the act of June 28, 1898:

Said commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end they may administer oaths, examine witnesses, and prepare all other acts necessary thereto and make report to the Secretary of the Interior.

Article 14 of the treaty of September 27, 1830, provided:

ARTICLE XIV. Each head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under 10 years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity.

The only evidence adduced in any way tending to show a compliance with the terms of this article were statements to the ef-

fect that William C. Thompson's grandfather applied for land under the treaty of 1830 but was refused by the Indian agent. Congress, however, by the acts of March 3, 1837, and August 23, 1842, (5 Stat. 180, 513), appointed Commissioners for the purpose of adjusting claims of this kind, and there was no evidence to the effect that the ancestors of the claimants had endeavored to comply with the provisions of those acts, or received patents or certificates for land as therein provided for. The Commission properly held, therefore, that it was impossible to identify the applicants as Mississippi Choctaws.

Upon the whole case, it seems to me clear that these applicants, and those claiming intermarried rights with them, should be denied enrollment.

The other cases consolidated with this are of a similar nature, and under the views above stated the parties referred to therein are, in my judgment, not entitled to be enrolled.

5. The Case of Richard B. Coleman et al.

The enrollment of the parties referred to in this case depends upon the effect to be given to the following act of the General Council of the Choctaw Nation passed November 8, 1889:

An Act to establish the citizenship of R. B. Coleman, his wife and their children.

Sec. 1. Be it enacted by the General Council of the Choctaw Nation Assembled, That Richard Benjamin Coleman, and their children as follows. Richard St. Clair, age 15 years, Ida

Clay, age 13, Bennetta, age 11, Bettie Withers, age 9, Henry Alen, age 6, Willie Norma Coleman, age 4 years, are hereby admitted to citizenship in the Choctaw Nation with its rights, privileges, and immunities, and that this act shall take effect and be in force from and after its passage.

It is contended that this act was procured by fraud and bribery, and that, therefore, the names of Coleman and his family should be eliminated from the tribal rolls upon which they appear, under the act of Congress of June 28, 1898, which provides:

Said Commission is authorized and directed to make correct rolls of citizens by blood of all the other tribes, eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto x x x.

The Commission held that they had no authority to go behind the act of the Choctaw Council referred to, but in an informal opinion rendered you December 7, 1904, Acting Attorney General Day, after quoting the above provision, said:

It appears to me the above quoted provisions of the statute impose upon the Commission to the Five Civilized Tribes the duty and gave it the power to determine whether any name appearing upon a tribal roll was placed there by fraud or without authority of law, and that the mere fact that such enrollment was by virtue of an act of the National Council is not sufficient to preclude an inquiry. An act of the Council should be treated with respect as prima facie valid and efficacious, and nothing done as the result thereof should be lightly set aside; but if it clearly appears that the act was procured by deliberate fraud and perjury I do not think that Congress intended that benefits thereunder should be enjoyed.

Mr. Day did not pass upon the facts of the case. Subsequently, the Assistant Attorney General for the Interior Department, upon a consideration of the record, held that it did not



clearly appear therefrom that the act in question had been fraudulently procured.

In my judgment the record in this case clearly shows deliberate fraud on the part of Richard B. Coleman in procuring the passage of the act admitting him to citizenship. It appears that Coleman came into the Choctaw Nation about 1880. In 1887 he made application to the citizenship committee of the Choctaw Council for admission as a citizen by blood, representing by himself and witnesses he brought before the committee that his father was a Choctaw boy named Frank Coleman, the son of a John Coleman and Chapponia, a full blood Choctaw, who had lived in Mississippi with his parents prior to the migration in 1830. The boy Frank it was testified, had been sent to Kentucky to school and nothing afterwards heard of him.

The testimony adduced on behalf of the Nation before the Commission to the Five Civilized Tribes shows that the father of Coleman was Francis S. Coleman, a son of a Francis Coleman who was born and raised in Orange County, Virginia, and was not a Choctaw. This testimony was given in the form of a deposition by Mrs. Harriet Henry, a sister of Francis S. Coleman, and R. L. Coleman a nephew, residing at Columbia, Missouri. The identity of Francis S. Coleman with the father of the applicant appears from the fact, testified to by the applicant as well as the two witnesses just referred to, that he married Ann Elizabeth Bedford, the daughter of



John Bedford, in Kentucky, and the testimony of all parties that Francis S. Coleman went to Denton, Texas, and died there. Although duly advised as to the intention of the attorneys for the Choctaw Nation to take this testimony, no effort was made by Coleman or his attorney to file cross interrogatories or in any way rebut it, but they confined themselves to an endeavor to have the testimony stricken from the records as not having been taken in accordance with law. The authority of the Commission to take the testimony in this way is clear, under the act of June 28, 1898 (30 Stat. 495), which provides:

Said commission shall make such rolls descriptive of the persons thereon, so that they may be thereby identified, and it is authorized to take a census of each of said tribes, or to adopt any other means by them deemed necessary to enable them to make such rolls.

This testimony was further enforced by another deposition of said R. L. Coleman, taken by Commissioner Tams Bixby, in which R. L. Coleman stated further that he knew the applicant Richard B. Coleman, that he was his cousin. A motion was likewise made to strike this testimony from the record, because taken without notice to the applicant, but it was overruled by the Commission, who held that under the authority of the above act they could take such measures as they deemed necessary to satisfy themselves as to the justice of the applicant's claim. I do not think it is shown that they abused their discretion in this matter.

It appears that the application of Richard B. Coleman to be enrolled as a citizen by blood of the Nation, upon the grounds

above stated, was passed over by the citizenship committee of the Council in 1887; taken up again in 1888 and a bill of rejection passed by the committee or the Council; renewed at the session of 1889, and a bill of admission introduced into the House of Representatives which was rejected, and then a new bill introduced and enacted into the law above quoted.

I think it sufficiently appears from the testimony in this case, particularly that given by and on behalf of the applicant himself, that the Council in admitting him and his family to citizenship did so upon the strength of the testimony adduced by him before the Committee on Citizenship that he was a Choctaw by blood, descended as he represented. It is to be observed that he and his family all claim that he was admitted as a Choctaw by blood.

Some testimony was introduced for the purpose of showing that Coleman had bribed one Roebuck, the member of the Council who introduced the second bill, but the evidence on that point is not sufficient to establish the fact.

In October, 1898, the General Council of the Choctaw Nation passed an act repealing the act of November 8, 1889, admitting Coleman and his family to citizenship. This act was, however, disapproved by President McKinley, upon the recommendation of the Secretary of the Interior, under the authority of the act of Congress of June 28, 1898, which required the approval of the President to all acts of the Choctaw and Chickasaw Nations in any

manner affecting the lands of the tribes.

Although this act was thus invalidated, it may fairly be taken to indicate the sense of the Nation at that time that Coleman was improperly admitted. The reason for its disapproval does not appear, but it might reasonably have been rejected on the ground that by the act of June 28, 1898, the work of making up the rolls of citizenship and eliminating therefrom those placed

thereon by fraud was committed entirely to the Commission to the Five Civilized Tribes.

It is to be observed that Commissioner Bixby, who was the only Commissioner who considered this case on its merits, was "clearly of the opinion from such evidence as has been presented to this Commission that the evidence presented to and acted upon by the Citizenship Committee of the Choctaw General Council, which passed upon the petition of these applicants, and upon which evidence their admission to Choctaw Citizenship was based, was fraudulent, false and misleading."

In my opinion, these parties should be stricken from the rolls.

6. The Case of Ethel Pierson.

This case presents the question of your authority to enroll the children of Choctaw freedmen who were minors living March 4, 1906. The decision of this question turns upon the construction to be given to section 2 of the Act of April 26, 1906 (34 Stat.

137), as amended by the act of June 21, 1906 (34 Stat. 342).

The act referred to originally provided:

Sec. 2. That for ninety days after approval hereof applications shall be received for enrollment of children who were minors living March fourth, nineteen hundred and six, whose parents have been enrolled as members of the Choctaw, Chickasaw, Cherokee, or Creek tribes, or have applications for enrollment pending at the approval hereof, and for the purpose of enrollment under this section illegitimate children shall take the status of the mother, and allotments shall be made to children so enrolled. If any citizen of the Cherokee tribe shall fail to receive the full quantity of land to which he is entitled as an allotment, he shall be paid out of any of the funds of such tribe a sum equal to twice the appraised value of the amount of land thus deficient. The provisions of section nine of the Creek agreement ratified by Act approved March first, nineteen hundred and one, authorizing the use of funds of the Creek tribe for equalizing allotments, are hereby restored and reenacted, and after the expiration of nine months from the date of the original selection of an allotment of land in the Choctaw Chickasaw, Cherokee, Creek, or Seminole tribes, and after the expiration of six months from the passage of this Act as to allotments heretofore made, no contest shall be instituted against such allotment: Provided, That the rolls of the tribes affected by this Act shall be fully completed on or before the fourth day of March, nineteen hundred and seven, and the Secretary of the Interior shall have no jurisdiction to approve the enrollment of any person after said date: Provided further, That nothing herein shall be construed so as to hereafter permit any person to file an application for enrollment in any tribe where the date for filing application has been fixed by agreement between said tribe and the United States: Provided, That nothing herein shall apply to the intermarried whites in the Cherokee Nation, whose cases are now pending in the Supreme Court of the United States.

The amendatory act provided, (34 Stat. 341-2):

That section two of the Act entitled "An Act to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes," approved April twenty-sixth, nineteen hundred and six, be,

and the same is hereby, amended by striking out thereof the words "Provided further, That nothing herein shall be construed so as to hereafter permit any person to file an application for enrollment in any tribe where the date for filing application has been fixed by agreement between said tribe and the United States: Provided further, That nothing herein shall apply to the intermarried whites in the Cherokee Nation whose cases are now pending in the Supreme Court of the United States." And insert in said Act in lieu of the matter repealed, the following: Provided further, That nothing herein shall be construed so as hereafter to permit any person to file an application for enrollment or to be entitled to enrollment in any of said tribes, except for minors the children of Indians by blood, or of freedmen members of said tribes, or of Mississippi Choctaws identified under the fourteenth article of the treaty of eighteen hundred and thirty, as herein otherwise provided, and the fact that the name of a person appears on the tribal roll of any of said tribes shall not be construed to be an application for enrollment.

In the agreement with the Choctaw and Chickasaw Nation ratified by the act of July 1, 1902 (32 Stat.641), it was provided (paragraphs 1 and 3) that the words "member" or "members" and "citizen" or "citizens", "whenever used in this agreement", shall be held to mean members or citizens of the Choctaw or Chickasaw tribe of Indians in Indian Territory, not including freedmen."

The Commissioner to the Five Civilized Tribes in passing upon this case held that, in view of the above definition, the act of April 26, 1906, as amended, was not intended to apply to the children of freedmen in the Choctaw and Chickasaw Nations, but only to those of the Cherokee and Creek Nations.

There would be some force in the argument that minors, the children of freedmen members of the Choctaw Nation were not in-

cluded in the act of April 26, 1906, if it were not for the proviso substituted by the amendatory act of June 21, 1906. That proviso was, as the Commissioner said, "in the nature of a construction by Congress of the meaning intended to be conveyed by the section as originally enacted." It says, in so many words, that minors the children of freedmen members of said tribes (referring to all of the tribes, which are separately named in the preceding part of section 2, among them the Choctaw and Chickasaw tribes) may be enrolled. This definition settles the doubt that otherwise might have arisen as to the children of freedmen members of said tribes, as well as the children of Mississippi Choctaws. If, therefore, the Choctaw freedmen are members of said nation, the right of their children to be enrolled cannot be questioned.

The Choctaw freedmen were adopted by an act of the General Council of the Nation approved May 21, 1883, entitled "An Act to adopt the freedmen of the Choctaw Nation", which provided (Report of Commissioner of Indian Affairs, 1884, p. XLV):

Whereas by the third and fourth articles of the treaty between the United States and the Choctaw and Chickasaw Nations, concluded April 28, 1866, provision was made for the adoption of laws, rules, and regulations necessary to give all persons of African descent resident in said nation at the date of the treaty of Fort Smith, September 13, 1865, and their descendants, formerly held in slavery among said nations, all the rights, privileges, and immunities, including

the right of suffrage, of citizens of said nations, except in the annuities, moneys, and public domain claimed by or belonging to said nations respectively; and also to give to such persons who were residents as aforesaid, and their descendants, 40 acres each of the lands of said nations on the same terms as Choctaws and Chickasaws, to be selected on the survey of said lands; until which said freedmen shall be entitled to as much land as they may cultivate for the support of themselves and families; and

Whereas the Choctaw Nation adopted legislation in the form of a memorial to the United States Government in regard to adopting freedmen to be citizens of the Choctaw Nation, which was approved by the principal chief November 2, 1880, setting forth the status of said freedmen and the inability of the Choctaw Nation to prevail upon the Chickasaws to adopt any joint plan for adopting said freedmen, and notifying the United States Government of their willingness to accept said freedmen as citizens of the Choctaw Nation in accordance with the third and fourth articles of the treaty of 1866 as a basis; and

Whereas a resolution was passed and approved November 5, 1880, authorizing the principal chief to submit the aforesaid proposition of the Choctaw Nation to adopt their freedmen to the United States Government; and

Whereas a resolution was passed and approved November 6, 1880, to provide for the registration of freedmen in the Choctaw Nation, authorizing the principal chief to appoint three competent persons in each district, citizens of the nation, whose duty it shall be to register all freedmen referred to in said third article of the treaty of 1866 who desire to become citizens of the nation in accordance with said treaty, and upon proper notification that the Government of the United States had acted favorably upon the proposition to adopt the freedmen as citizens, to issue his proclamation notifying all such freedmen as desire to become citizens of the Choctaw Nation to appear before said commissioner for identification and registration; and--

Whereas in the Indian appropriation act of Congress May 17, 1882, it is provided that either of said tribes may adopt and provide for the freedom in said tribe in accordance with said third article: Now, therefore,

Be it enacted by the general council of the Choctaw Nation, That all persons of African descent resident in the Choctaw Nation at the date of the treaty of Fort Smith, September 13, 1865, and their descendants, formerly held in slavery by the Choctaws or Chickasaws, are hereby declared



to be entitled to, and invested with all the rights, privileges, and immunities, including the right of suffrage, of citizens of the Choctaw Nation, except in the annuities, moneys and the public domain of the nation.

X X X X X X  
Sec. 3. Be it further enacted, That all said persons are hereby declared to be entitled to forty acres each of the lands of the nation, to be selected and held by them under the same title and upon the same terms as the Choctaws.

X X X X X X X  
It appears that this act was accepted by the Secretary of the Interior on behalf of the United States as a substantial compliance with the terms of the treaty of 1866, and the moneys authorized to be paid by that treaty upon a compliance therewith were turned over to the Nation.

I am of opinion, therefore, that the Assistant Attorney General for the Interior Department was right in his conclusion that minors, the children of Choctaw freedmen living March 4, 1906, are entitled to be enrolled.

This disposes of the several cases submitted. The papers therein are herewith returned.

Respectfully,

Attorney General.



Choctaw 5996

Muskogee, Indian Territory, March 19, 1907.

Chief Clerk,

Choctaw Land Office,

Atoka, Indian Territory,

Dear Sir:

Referring to Choctaw roll card Number 5996, Mary E. O'Quin et al. you are advised that red lines have been drawn through the names of Numbers 1, 2, 3, 4, and 5, Mary E. O'Quin, James Walter O'Quin, Dora E. O'Quin, Thomas M. O'Quin and Ora May O'Quin, and the following notation in red ink placed on said card:

"Enrollment of Nos. 1 to 5 inclusive cancelled by order of Department of February 23, 1907."

You are therefore directed to make duplicate card of this number in your possession conform to this information.

Respectfully,

Commissioner.

Choctaw 5996

Maskogee, Indian Territory, March 19, 1907.

Chief Clerk,

Chickasaw Land Office,

Ardmore, Indian Territory,

Dear Sir:

Referring to Choctaw roll card Number 5996, Mary E. O'Quin et al. you are advised that red lines have been drawn through the names of Numbers 1, 2, 3, 4, and 5, Mary E. O'Quin, James Walter O'Quin, Dora E. O'Quin, Thomas M. O'Quin and Ora May O'Quin, and the following notation in red ink placed on said card:

"Enrollment of Nos. 1 to 5 inclusive cancelled by order of Department of February 23, 1907."

You are therefore directed to make duplicate card of this number in your possession conform to this information.

Respectfully,

Commissioner.

LHM  
DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

JWH

File 5-51.

February 20, 1909.

The Commissioner to the Five Civilized Tribes  
Muskegee, Oklahoma;

Sir:

Pursuant to the policy adopted by the Department in its letter of January 19, 1909 (file 5-51), to prevent unnecessary litigation in all citizenship cases falling under the principles announced in the decision rendered by the Supreme Court of the United States November 30, 1908, in the case of John E. Goldsby v. James Rudolph Garfield, Secretary of the Interior, you are authorized and directed to erase the interlineations and notations purporting to cancel from the approved rolls in your custody the following names of citizens by blood and intermarriage of the Choctaw Nation:

Family of William G. Thompson, et al.

Choctaws by blood.

Roll No.  
16,010  
16,006  
16,007  
16,008  
16,009

Name  
Belensiefen, Ivy  
Holloway, Mattie  
Holloway, Fessie  
Holloway, Willie  
Holloway, Nellie Hazel

Exhibit B

com. to Five Civ. Tribes.

Roll No.

Name.

16,017	Jones, Winburn
16,018	Jones, Peter H.
16,019	Jones, Aulie
16,020	Jones, Thomas
16,021	Jones, Maude C.
16,022	Jones, Jesse M.
16,023	Jones, Sallie
16,024	Jones, Paul
16,025	McLendon, Durrell F.
16,026	McLendon, John B.
16,027	McLendon, Thomas
16,028	McLendon, Ida M.
16,029	McLendon, Ralph
16,030	McLendon, Harry
16,031	McLendon, Fannie
16,032	McLendon, Robert C.
16,998	McNease, Mary M.
16,999	McNease, Harold Graham
16,012	O'Quinn, Mary E.
16,013	O'Quinn, James Walter
16,014	O'Quinn, Dora A.
16,015	O'Quinn, Thomas M.
16,016	O'Quinn, Ora May
16,996	Stubblefield, Sarah T.
16,997	Thompson, William R.
16,998	Thompson, William C.
16,000	Thompson, William C. Jr.
16,001	Thompson, Esther M.
16,011	Thompson, Rufus C.

Chectaw by Marriage

1,576	Jones, Fannie
1,577	McLendon, Cornelia
1,564	Thompson, Sarah E.
1,568	Thompson, Maud
1,578	Thompson, Martha Louisiana

Com. to Five Civ. Tribes

Minor Choctaw citizens.  
Act of April 26, 1906.

267	McNeese, Marcellus Milwee
268	McLendon, Roy D.
269	Malloway, Daniel Webster
706	McLendon, Ruth
722	O'Quinn, Jesse Gilbert
266	Thompson, Lois
294	Waters, Lillie G.
296	Waters, Clarence G.

Family of Richard B. Coleman, et al  
Choctaws by blood.

15,990	Coleman, Ruth St. Clair
15,989	Coleman, Ida May
15,988	Coleman, Eva P.E.
15,987	Coleman, Winifred
15,986	Coleman, Richard S.
15,984	Cooper, Richard W.
15,983	Coleman, Willie H.
15,982	Coleman, Henry A.
15,981	Cooper, Bettie W.
15,980	Coleman, Bennetta
15,978	Coleman, Richard B.
15,979	Walker, Ida G.
15,985	Walker, Coleman Carletta

Choctaws by Marriage.

1,586	Coleman, Eva
-------	--------------

Com. to Five Civ. Tribes.

Minor Choctaw citizens

Act of April 26, 1906.

265  
330  
460  
461  
455  
456

Cooper, Ole C.  
Cooper, Allen C.  
Coleman, Benjamin Edward  
Coleman, Richard Lee  
Mathis, Eva Lucretia  
Walker, Margaret

The records of the Department tend to show that there are four other persons, probably members of one or the other of these families, all, or part, of whom may have been enrolled at one time, viz: Annie B. Coleman, Rex F. Adams, George B. Coleman and Ernestine Coleman, but as the information concerning them now at hand is incomplete, action will be suspended as to them until report is received from you showing definitely (1) whether they are members of either of said families, (2) whether their names have ever been line out on any of the approved rolls, and (3) whether there is any reason known to you why they should not be restored to the status of recognized citizens. It is thought that the last three of said persons were enrolled, if at all, under the act of March 3, 1905, or the act of April 26, 1906.

In correcting the rolls as herein authorized, the following note should be entered at the foot or side of the page:

-5-

Words and lines purporting cancellation  
erased by authority of Departmental letter of  
February 20, 1909, (file 5-51).

It is not essential, in all cases, that stars should  
be used to connect this note with the enrolled names to which  
it relates. It would be better, instead, to use some other  
character, e.g., the symbol (a), if the star is already to be  
found on any page in connection with an earlier notation.

Like action will be taken on the rolls in this office and in  
the custody of the Commissioner of Indian Affairs.

Very respectfully,

Jesse K. Wilson,

Assistant Secretary.

Through Indian Office.

7-5996  
A-14015  
A-14016

Muskogee, Oklahoma, March 1, 1909.

Mary E. O'Quin,

Marlow, Oklahoma.

Dear Madam:

I am instructed by the Department of the Interior that the cases of yourself and children, Thomas M. and Ora May O'Quin, fall within the principles of the decision of the Supreme Court of the United States in the case of John E. Goldsby et al., seeking to have their names restored to the rolls of citizens of the Choctaw and Chickasaw Nations, and that the notations striking your names from the roll of citizens by blood of the Choctaw Nation shall be erased and that you have all the rights to allotments and payments enjoyed by other citizens as if no attempt had ever been made to cancel your names from this roll.

Said instructions have been carried out by this office, and you are now advised that the status of your names on the approved roll of citizens of the Choctaw Nation and of your allotment selections in said nation is the same as prior to March 4, 1907, when the Secretary of the Interior directed that your names be stricken from the roll.

Respectfully,

WHA(CM)

Acting Commissioner.



7-8996  
22-356  
R-722  
A-16013

Muskogee, Oklahoma, March 15, 1909.

Mr. James Walter O'Quin,  
Marlow, Oklahoma.

Sir:

I am instructed by the Department of the Interior that the cases of yourself and child, Jessie Gilbert O'Quin, fall within the principles of the decision of the Supreme Court of the United States in the case of John E. Goldsby et al., seeking to have their names restored to the rolls of citizens of the Choctaw and Chickasaw Nations, and that the notations striking your names from the roll of citizens by blood of the Choctaw Nation shall be erased and that you have all the rights to allotments and payments enjoyed by other citizens as if no attempt had ever been made to cancel your names from this roll.

Said instructions have been carried out by this office, and you are now advised that the status of your names on the approved roll of citizens of the Choctaw Nation and of your allotment selections in said nation is the same as prior to March 4, 1907, when the Secretary of the Interior directed that your names be stricken from the roll.

Respectfully,

WHA(OM)

Acting Commissioner.

7-5996  
23-386  
A-16014  
R-294  
R-295

Muskogee, Oklahoma, March 15, 1909.

Mrs. Dora E. Waters, nee O'Quin,  
Marlow, Oklahoma.

Madam:

I am instructed by the Department of the Interior that the cases of yourself and children, Lillie G., and Clarence G. Waters, fall within the principles of the decision of the Supreme Court of the United States in the case of John E. Goldsby et al., seeking to have their names restored to the rolls of citizens of the Choctaw and Chickasaw Nations, and that the notations striking your names from the roll of citizens by blood of the Choctaw Nation shall be erased and that you have all the rights to allotments and payments enjoyed by other citizens as if no attempt had ever been made to cancel your names from this roll.

Said instructions have been carried out by this office, and you are now advised that the status of your names on the approved roll of citizens of the Choctaw Nation and of your allotment selections in said nation is the same as prior to March 4, 1907, when the Secretary of the Interior directed that your names be stricken from the roll.

Respectfully,

WHA(GM)

Acting Commissioner.

ENROLLMENT

7124

Mary E. O'Quinn et

DECISION RENDERED. MAY 1905  
NOTICE

RECORDED

ACTION FILED BY  
SECRETARY OF INTERIOR

APR 19 1905

NOTICE OF INSTRUMENTAL  
ACTION MAY 1905

APR 19 1905

NOTICE OF INSTRUMENTAL ACTION  
FORWARDED TO CHIEF OF BUREAU

APR 19 1905

NOTICE  
ACTION MAY 1905

APR 19 1905

341.

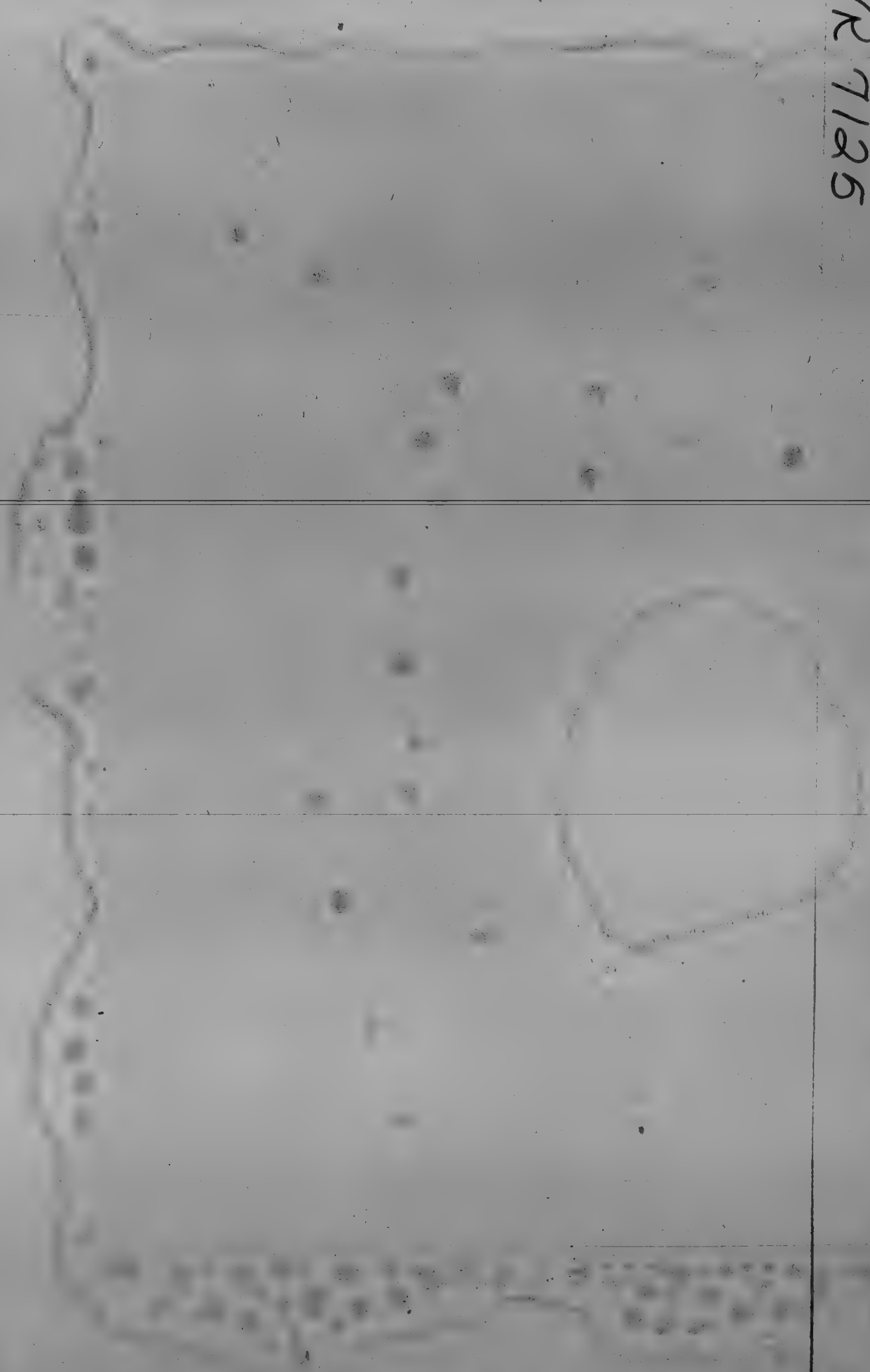
Sir. Cho'law. R. "217"

" " 5996

Choctaw MCR 7125

Charles W. Green

MCR 7125



Department of the Interior  
Commission to the Five Civilized Tribes  
Muskogee, I.T. March 19, 1903.

---0---

In the matter of the application of Charles W. Green for the identification of himself as a Mississippi Choctaw.

Charles W. Green being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A Charles W. Green.  
Q What is your age? A Twenty-seven.  
Q What is your post office address? A Springfield, Ohio.  
Q How long have you lived in Springfield? A Twenty-seven years.  
Q Born there? A Yes, sir.  
Q Lived there all your life? A Yes, sir.  
Q What is your father's name? A James Green.  
Q Is he living? A Yes, sir.  
Q What is your mother's name? A Martha Green.  
Q Is your mother living? A Yes, sir.  
Q Through which one of your parents do you claim your Choctaw blood?  
A Father.  
Q How much Choctaw blood do you claim? A One-fourth.  
Q What was your mother's blood? A Negro.  
Q Your father is one-half Choctaw? A Yes, sir.  
Q What is the other half? A Negro.  
Q Was your father ever recognized in manner or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States in Indian Territory? A No, sir.  
Q Through which of his parents does your father claim his Choctaw blood? A His father.  
Q What is his father's name? A Jackson Green.  
Q How much Choctaw blood did he have? A Full blood.  
Q What is your father's mother? A Well in our claims - my father's mother - I don't know.  
Q What was her blood if you know? A Negro.  
Q Is Jackson Green living? A No, sir.  
Q Do you know the names of Jackson Green's parents? A Why no I don't, but there is an old colored man that we had some correspondence with said ~~his~~ name was Mindasake he wasn't very positive about it.  
Q What was ~~his~~ name? A I don't know.  
Q How old is your father at this time? A I don't know.  
Q Do you know how old Jackson Green would be if he were living? A No, sir I don't.  
Q Was your father a slave? A Yes, sir.  
Q Was his father a slave? A No, sir.  
Q Where were your father and mother married? A Springfield, Ohio.  
Q Were they married under the laws of the state of Ohio? A Yes, sir.  
Q Have you any evidence of that marriage with you at this time? A No, sir.

It will be necessary that you furnish the commission with proper evidence of your father and mother's marriage in support of this application that you make for identification as a Mississippi Choctaw. This evidence may be furnished within thirty days.

- Q Are you married? A Yes, sir.  
 Q What is your wife's name? A Elmore.  
 Q Is she living? A Yes, sir.  
 Q What is her blood? A Negro.  
 Q Do you make any claim for her? A No, sir.  
 Q Have you any minor children for whom you wish to apply? A No, sir.  
 Q This application is for yourself alone? A Yes, sir.  
 Q Do you know where Jackson Green and his wife were married? A No, I don't know.

It will be necessary that the Commission be supplied with evidence of the marriage of Jackson Green your grandfather and his wife in support of this application which you make.

- Q Is your name to be found upon any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.  
 Q Have you ever made application to the Choctaw tribal authorities in Indian Territory to be enrolled as a member of that tribe? A No, sir.  
 Q Did you or anyone for you in the year 1896 make application to this commission for citizenship in the Choctaw Nation under the act of Congress approved June 10, 1896? A No, sir.  
 Q Is this the first application of any description for citizenship or enrollment in the Choctaw Nation that has ever been made by you or on your behalf? A Yes, sir.  
 Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in the Indian Territory under the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A Yes, sir.

Article fourteen of the treaty of Dancing Rabbit Creek is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the fam-

ily or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Is that the provision of law under which you are claiming your right to identification as a Mississippi Choctaw? A Yes, sir.  
Q Understand that article do you? A I would rather have you explain it.

The treaty of Dancing Rabbit Creek was entered into in Mississippi in the year 1830 between the United States government and the Choctaw tribe of Indians. At the time this treaty was made the Choctaws occupied a portion of the state of Mississippi and a small portion of the state of Alabama along the western boundary line. The object of the treaty was to secure the removal of the Choctaws from that country occupied by them in Mississippi and Alabama to a new country west of the Mississippi River part of which is now occupied by the Choctaw Nation in Indian Territory. At the time this treaty was made some of the Choctaws were not willing to remove to the new country and for the benefit of this class of Indians article fourteen was put into the treaty. That article provided that if any Choctaw Indian wanted to stay in Mississippi and not remove to the new country he should have the privilege of doing so by going to the agent and telling him that he wanted to stay in Mississippi and take land there under article fourteen. ~~xxxxxxx~~ If he did that and took land there and lived on that land for five years then if he ever removed to the Choctaw Nation Indian Territory he should not forfeit his right to citizenship.

- Q You understand that? A Yes, sir.  
Q What is the name of your Choctaw ancestor who was living in 1830 and the head of a family at that time? A I don't know.  
Q Do you know whether Jackson Green your grandfather was married prior to 1830 or not? A No, sir I don't know, he wouldn't have been of the age to be married at that time.  
Q Do you know about when Jackson Green was born? A No, sir.  
Q Do you know about how old he would be if living now? A All I know is from hearsay.  
Q Well how old would he be, about? A About seventy something.  
Q His mother's name you say was what? A Mindanako.  
Q She was your great grand-mother? A Yes, sir.  
Q You don't know her husband's name? A No, sir.  
Q Was she a full blood Choctaw Indian? A I understand so.  
Q And her husband was also a full blood? A Yes, sir.  
Q Do you know where Mindanako and her husband were living in 1830? A No, sir.  
Q Were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians in the year 1830 when this treaty was made? A I don't know I understand they were members of the tribe in Mississippi or a part in Mississippi.  
Q You understand that they were Choctaw Indians living in Mississippi? A Yes, sir.



- Q You don't know of any tribal recognition that they occupied either from the tribal government of the Choctaw Nation or from the government of the United States? A No, I don't know of any.
- Q Were any of your Choctaw ancestors living in the old Choctaw Nation in Mississippi or Alabama when this treaty was made? A Well I understand they were.
- Q Which Choctaw ancestors were living there? A Great grandfather. and great grandmother.
- Q Mindanako and her husband? A Yes, sir.
- Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors own any improvement at that time upon what constituted the old Choctaw Nation in Mississippi or Alabama? A I don't know.
- Q Did any of your Choctaw ancestors remove from the old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation in the Indian Territory at the time of the removal of the greater portion of Choctaw tribe between the years 1833 and 1838? A No, I don't think they did. I understand-
- Q Did any Choctaw ancestor within six months after the ratification of the treaty of Dancing Rabbit Creek signify to the agent of the government in Mississippi at that time his intention to remain there and become citizens of the states as is provided in article fourteen of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors ever claim or receive any land in Mississippi from the government of the United States under the provisions of article fourteen of the treaty of 1830? A I don't know that.

In accordance with the provisions of article fourteen of the treaty of Dancing Rabbit Creek the government of the United States directed an agent in Mississippi to register the names of those Choctaws who might desire to remain in Mississippi, take land there and become citizens of the states. The records of the government show that this agent failed to register and report to the government the names of many Choctaws who really did signify to him their intention to remain in Mississippi and comply with the provisions of article fourteen of the treaty of 1830 and on this account in many instances the land upon which Indians ~~lived~~ lived, had improvements and desired reserved for them under article fourteen, was sold by the government at its public land sales and the Choctaws deprived of their land. This caused much complaint among the Choctaws and finally the matter was brought to the notice of Congress and Congress by acts passed in 1837 and 1842 provided for the appointment of commissions who went to Mississippi and heard claims of Choctaws under article fourteen of the treaty of 1830.

- Q Did any of your Choctaw ancestors appear before the commission appointed in 1837 or that appointed in 1842 and attempt to establish their right under article fourteen of the treaty of 1830? A I don't know only as I understand it my great grandparents died between those years and my grandfather was given to white people.



Q Do you know that any of your ancestors ever appeared before either of these commissions? A No, sir.

The act of Congress of August 23, 1842 provided that in case it should be finally determined that a Choctaw had complied with all the provisions of article fourteen of the treaty of 1830 but that his land had been sold by the government, he should be entitled to select land in Mississippi, Alabama, Louisiana or Arkansas to be taken from vacant government land, and that a certificate to that effect should be given him. These certificates were called scrip.

Q Did any of your ancestors ever receive any of this scrip from the government? A Not that I know of.

Q So far as you know have any of your ancestors ever been recognized as members of the Choctaw tribe of Indians? A No, sir.

Q So far as you know did any of them receive any benefit as such? A No, sir.

Q Have you any documentary evidence you want to present at this time? A No, sir.

Q Have you any witnesses you want to call? A No, sir.

Q Do you desire time in which to introduce proper evidence in support of this case? A Yes, sir.

You will be allowed thirty days time from this date within which to present proper testimony to the Commission, this time will not be extended.

Q Do you speak or understand Choctaw? A I don't.

Q Does your father? A No, sir.

Q Have you any further statement you wish to make? A No, sir.

Q Your father James Green has appeared before the Commission prior to this time has he not? A Yes, sir.

James Green M.C.R. 6754 is referred to for the purpose of consolidation.

This applicant has the appearance of being negro shows no indication of being possessed of Choctaw blood, has no knowledge of a compliance on the part of any of his ancestors with the provision of article fourteen of the treaty of 1830.

---0---

Chas. Diffendaffer, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause taken in at Muskogee, Indian Territory, March 19, 1903, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

*Chas. Diffendaffer*

Subscribed and sworn to before me this 24th day of April 1903.

*Charles H. Sawyer*  
Notary Public.

M.C.R. 7125

COPY.

Muskogee, Indian Territory, April 28, 1904.

Charles W. Green,  
Springfield, Ohio,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 30, 1904, rendered its decision refusing the applications of the several persons included in the consolidated case of James Green et al., for identification as Mississippi Choctaws, including you.

You are further notified that you will be allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*Tamr Bixby.*

Chairman.

Registered.

COPY:

Muskogee, Indian Territory, August 1, 1904.

Charles W. Green,  
Springfield, Ohio,

Dear Sir:

You are hereby notified that on the 21st day of July, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of James Green et al., of which decision you were advised by registered mail on the 28th day of April, 1904.

Respectfully,

(SIGNED)

*T. B. Neasles.*

Commissioner in Charge.

M C R 7125

Muskogee, Indian Territory, September 27, 1904.

Charles W. Green,  
Springfield, Ohio.

Dear Sir:

~~Receipt is hereby acknowledged of your letter of the 15th~~  
instant, in which you request a copy of depositions, evidence and  
arguments in the case of James Green, et al., M C R 6764, or informa-  
tion as to how the same can be obtained.

In reply to your letter you are informed that the record  
in the consolidated Mississippi Choctaw case of James Green, et al.,  
of which your application is a part, is now in the hands of the  
Secretary of the Interior, and if you desire a copy of the same it  
will be necessary that you correspond with him in regard to this  
matter.

Respectfully,

JD

Chairman.

①

No.

7125

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 19 1903

Name *Charles W. Green*

Age *27* Blood *1/4*

Post Office, *Springfield, Ohio*

Father: *James Green, reg. L.*

Mother: *Martha Green, reg. L.*

Claims through *father.*

Wife: *Elnora Green reg. L*  
(No claim for her)

~~Children:~~

(Claims for self alone)

Stenographer *C. T. Diffendaffer*

FOR IDENTIFICATION / S  
A MISSISSIPPI CHOCTAW.

R. 71

*Charles H. Green*

DECISION RE REFUSED.

REFUSED.

MAR 20 1904

NOTICE OF DECISION FORWARDED  
APPLICANT

NOTICE OF DECISION  
FORWARDED ATTORNEY  
FOR APPLICANT

COPY OF DECISION FORWARDED  
ATTORNEYS FOR CHOCTAW AND  
CHICKASAW NATIONS.

RECORDS DEPARTMENT

ACTION APPROVED BY  
SECRETARY OF INTERIOR

JUL 21 1904

NOTICE OF DEPARTMENTAL  
ACTION MAILED APPLICANT

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT.

Choctaw MCR 7126

Sophia Hyde

MCR 7126

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

--o--

In the matter of the application of Sophia Hyde for identification as a Mississippi Choctaw, M.C.R. 7126.

List of papers forwarded to the Secretary of the Interior comprising the record in the above case.

	(Page)
Original application of Sophia Hyde to the Dawes Commission for identification as a Mississippi Choctaw-----	1
Decision of the Commission refusing the application of Sophia Hyde for identification as a Mississippi Choctaw-----	6

-----o-----



Department of the Interior  
Commission to the Five Civilized Tribes  
Muskogee, I.T. March 19, 1903.

---o---

In the matter of the application of Sophia Hyde for the identification of herself as a Mississippi Choctaw.

Thomas & Harrison attorneys.

Sophia Hyde being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A Sophia Hyde.  
Q How old are you? A Forty-five.  
Q What is your post office address? A Dublin.  
Q Dublin Ireland? A No, sir just Dublin, Mississippi.  
Q How long have you lived at Dublin Mississippi? A Born in state of Mississippi, been at Dublin ever since I was thirteen years old.  
Q Where you born? A Born in Mississippi I was took away from my parents when I was little small child, I don't remember where it was.  
Q Lived in Mississippi all your life? A Yes, sir, been in Mississippi ever since all my lifetime.  
Q What is your father's name? A Well I can't tell you that, I can tell my mother's name.  
Q What is your mother's name? A Mary.  
Q Mary what? A I don't know I was raised by white people.  
Q Is your father living? A I couldn't tell you that.  
Q Is your mother living? A No, sir.  
Q Through which parent do you claim your Choctaw blood? A Father. Papa- you know how it is in slave time.  
Q How much Choctaw blood do you claim? A Well I just claim- I couldn't talk just plain - I claim three-fourths.  
Q Just claim through your father? A Yes, sir.  
Q Was your mamma an Indian? A No, sir I don't think Mamma was a Injin.  
Q And you claim your Choctaw blood through your father? A Yes, sir.  
Q And you don't know his name? A Never did know his name. Never did.  
Q How much Choctaw blood do you think you claim now? A Well I don't know.  
Q How much Choctaw blood did your father have? A He was Indian.  
Q Full blood Indian? A Yes, sir full blood Injin.  
Q And then you claim one-half don't you? A Yes, sir.  
Q Your mother was a negro? A Yes, sir.  
Q You were born in slavery were you not? A Yes, sir about that time.  
Q You were a slave? A Yes, sir.  
Q Your mother was a slave? A Yes, sir.  
Q You don't know anything about your father? A No, sir.

- Q You don't know whether he was a slave or not? A No, sir.
- Q Your father and mother were never married were they? A No, sir.
- Q You never heard they were? A No, sir.
- Q Your mother was a slave? A Yes, sir.
- Q You never heard that your father and mother lived together did you? A No, sir.
- Q Has your father through whom you claim your right to identification ever been recognized in any manner or enrolled as a member of the Choctaw tribe by the Choctaw tribal authorities or the United States authorities in Indian Territory? A I don't know.
- Q Are you married? A Yes, sir, I am married.
- Q What is your husband's name? A Abe Hyde.
- Q Is he a negro? A Yes, sir.
- Q Is he living? A Yes, sir.
- Q He doesn't claim any Choctaw blood does he? A No, sir.
- Q You don't make any claim for him? A No, sir.
- Q Have you any minor children you want to apply for? A Have some grown children.
- Q Have you any under age? A No, sir none of mine.
- Q This application then is for yourself alone? A Yes, sir.
- Q Is your name to be bound upon any of the tribal rolls of the Choctaw Nation in Indian Territory? A I don't know.
- Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as a member of that tribe? A No, sir.
- Q Did you or any one for you in the year 1896 make application to the Commission for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No, sir.
- Q Is this the first application of any description that you have ever made for citizenship in the Choctaw Nation? A Yes, sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw land under the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A Yes, sir.

Article fourteen of that treaty reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Is that the provision of law under which you are claim your right to be identified as a Mississippi Choctaw? A Yes, sir.
- Q Did any Choctaw ancestor ever comply or attempt to comply with the provision of article fourteen of the treaty of Dancing Rabbit Creek? A I don't know.
- Q Were any of your Choctaw ancestors living in the old Choctaw Nation in Mississippi or Alabama in 1830 when this treaty was made? A I don't know.
- Q Were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians at that time? A I don't know.
- Q Do you know the names of any of your Choctaw ancestors? A No, sir.
- Q Did any Choctaw ancestor own any improvement in the old Choctaw Nation in Mississippi or Alabama? A No, sir.
- Q Did any Choctaw ancestor remove from the Choctaw Nation to the Choctaw Nation Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A No, sir.
- Q Did any Choctaw ancestor within six months after the ratification of the treaty of Dancing Rabbit Creek signify to the agent in Mississippi at that time an intention to remain, take land there and become citizens of the states? A No, sir.
- Q Did any Choctaw ancestor ever claim or receive any land in Mississippi from the government of the United States as a Choctaw Indian? A No, sir.

In 1837 and 1842 the government of the United States appointed commissions who went to Mississippi and heard the claims of Choctaws who claimed that they had complied with article fourteen of the treaty of Dancing Rabbit Creek but had not received any land.

- Q Did any of your ancestors appear before either of these two commissions and attempt to establish their right under article fourteen? A No, sir.

By the act of Congress approved August 23, 1842 if a Choctaw proved that he had complied with the provisions of that article he but that his land had been sold by the government he was entitled to select other land in to be taken from vacant government land and was issued scrip to that effect.

- Q Did any of your Choctaw ancestors receive any of this scrip? A No, sir.
- Q So far as you know were any of your ancestors ever recognized as members of the Choctaw tribe? A No, sir.
- Q So far as you know did any ever receive any benefit as such? A No, sir.
- Q So far as you know did any of your ancestors ever receive any benefit as a Choctaw Indian? A No, sir.
- Q Have you any witnesses you want to introduce? A No, sir.
- Q Have you any documentary evidence you want to file? A No, sir.

You will be allowed thirty days from this date in which to offer other proof in this case, this time will not be extended.

7126-4

- Q Do you speak or understand Choctaw? A Not very much.  
Q Do you speak or understand it at all? A Yes, sir I can understand it little but I have forgot it. Very few words.  
Q You don't speak or understand the Choctaw language do you? A I can't very well.  
Q You can't at all can you? A Been so long when I was taken away, was quite small when I talk it.  
Q Talk what? A Carried me away by white people, I was refugee.  
Q You don't speak or understand the choctaw language do you? A No, sir, I can't understand it.

This applicant has the appearance of being negro, she has no knowledge of the Choctaw language and no knowledge of a compliance on the part of her ancestors, in fact she doesn't know the name of her father or the name of any of her ancestors.

---0---

Chas. Diffendaffer, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause taken at Muskogee, Indian Territory, March 19, 1903, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

*Chas. Diffendaffer*

Subscribed and sworn to before me this 24th day of April 1903.

*Charles H. Sawyer*

Notary Public.

COPY.

**DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.**

---g---

In the matter of the application of Sophia Hyde, for identification as a Mississippi Choctaw, M.C.R. 7126.

---: D E C I S I O N :---

It appears from the record herein that application for identification as a Mississippi Choctaw was made to this Commission by Sophia Hyde for herself, under the following provision of the act of Congress approved June 25, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears from the testimony that this applicant was born of a slave mother prior to the Emancipation Proclamation and was herself a slave, and it does not appear from the records in the possession of the Commission that she has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian

Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 521).

It is the opinion of this Commission that under the provision of law above quoted, no freedman is entitled to identification as a Mississippi Choctaw, and that the application of Sophia Hyde as such should, therefore, be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

*James Bixby.*

Chairman.

(SIGNED)

*T. B. Needles.*

COMMISSIONER.

(SIGNED)

*C. R. Breckinridge.*

COMMISSIONER.

Muskogee, Indian Territory,

(SIGNED)

*W. E. Stanley.*

COMMISSIONER.

AUG 5 1903



M.C.F. 7126.

Muskogee, Indian Territory, August 5, 1903.

Thomas & Harrison,  
Attorneys at Law,  
Muskogee, Indian Territory.

Gentlemen:-

You are hereby advised that on the 5th day of August 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Sophia Hyde, an applicant for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is the opinion of this Commission that under the provision of law above quoted, no freedman is entitled to identification as a Mississippi Choctaw, and that the application of Sophia Hyde as such should, therefore, be refused, and it is so ordered."

T & H, 2.

You are further advised that the applicant in this case has been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Commissioner in Charge.

Registered.



M.C.P. 7186.

Muskogee, Indian Territory, August 5, 1903.

Sophia Hyde,

Dublin, Mississippi.

Dear Madam:-

You are hereby advised that on the 5th day of August 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Sophia Hyde an applicant for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is the opinion of this Commission that under the provisions of law above quoted, no freedman is entitled to identification as a Mississippi Choctaw, and that the application of Sophia Hyde as such should, therefore, be refused, and it is so ordered."

S. H. 2.

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Commissioner in Charge.

Register.

Muskegee, Indian Territory, August 5, 1903,

Manefield McHurray & Gornish,  
Attorneys for the Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:-

You are hereby advised that on the 5th day of August 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Sophia Hyde, an applicant for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495):

Said decision concludes as follows:

"It is the opinion of this Commission that under the provision of law above quoted, no freedman is entitled to identification as a Mississippi Choctaw, and that the application of Sophia Hyde as such should, therefore, be refused, and it is so ordered."

You are further advised that the applicant in this case has been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Commissioner in Charge.

COPY!

Muskogee, Indian Territory, August 21, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Sophia Hyde applicant to the Commission for identification as a Mississippi Choctaw, including the decision of the Commission of August 5, 1903.

The Commission has the honor to report that the applicant herein, her attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

*T. B. Needles.*

Commissioner in Charge.

Through the Commissioner  
of Indian Affairs.

2 Enc. M.C.R. 7126.

M C R 7126

Muskogee, Indian Territory, September 26, 1903.

Sophia Hyde,

Dublin, Mississippi.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 20th instant, relative to the decision of the Commission refusing your application for identification as a Mississippi Choctaw. You ask that you be allowed further time in which to introduce additional proof in support of your claim.

In reply you are informed that on August 21, 1903, the record in your case, together with the decision of the Commission refusing your application for identification as a Mississippi Choctaw, was forwarded to the Secretary of the Interior. Pending action thereon by him the Commission cannot receive or consider any further evidence in support of your case.

Respectfully,

Chairman.

(COPY)

I.T.D. 7716-1903.

DEPARTMENT OF THE INTERIOR.

W.C.P.

L.R.S.

WASHINGTON.

FHE

D.C. 32230

November 17, 1903.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

August 21, 1903, you transmitted the case of Sophia Hyde (M.C.R. 7126), applicant for identification as a Mississippi Choctaw, including your decision of August 5, 1903, refusing to identify her as such.

The mother of the applicant was a negro slave prior to the Emancipation Proclamation, and it appears that the applicant was also a slave. She is unable to give the names of any of her Choctaw ancestors. She states, however, that her father was a full blood Choctaw. She does not know whether he or any Choctaw ancestor ever complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830.

You rejected the applicant because, in your opinion, no freedman is entitled to identification as a Mississippi Choctaw.

Reporting in the matter October 28, 1903, the Commissioner of Indian Affairs stated that:

"The office has been unable to make an examination of its records in this case owing to the fact that the applicant is unable to give the name of her alleged Choctaw ancestors and consequently the only examination it has been able to make was with reference to the name of Hyde, which name does not

appear on the records of this office among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830."

and recommended that your decision rejecting the applicant be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation and your decision, in so far as it rejects the applicant, is affirmed.

Respectfully,

Thos. Ryan,  
Acting Secretary.

1 inclosure.

(COPY)

Land.  
54,333-1903.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, Oct. 28, 1903.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit, herewith, for your consideration, the record of proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of Sophia Hyde for identification as a Mississippi Choctaw, wherein a decision adverse to her was rendered by the Commission August 5, 1903.

The applicant herein states that she does not know the name of her father; that her mother was a negro slave prior to the emancipation proclamation, and it appears that she herself was a slave. The Commission in its decision rejecting the applicant gives as its reason that she has never been enrolled as a citizen of the Choctaw Nation; that she was born of a slave mother prior to the emancipation proclamation, and was herself a slave.

The office has been unable to make an examination of its records in this case owing to the fact that the applicant is unable to give the name of her alleged Choctaw ancestors and consequently the only examination it has been able to make was with reference to the name of Hyde, which name does not appear on the records of



of this office among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

It is respectfully recommended that the decision of the Commission rejecting the applicant be approved.

Respectfully,

W. A. Jones,

Commissioner.

(C.T.C.)P.

M C R 7126

COPY.

Muskogee, Indian Territory, November 30, 1903.

Thomas & Harrison,  
Attorneys-at-Law,  
Muskogee, Indian Territory.

Gentlemen:

You are hereby notified that on the 17th day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application of Sophia Hyde for identification as a Mississippi Choctaw, of which decision you were advised by registered mail on the 5th day of August, 1903.

Respectfully,

(SIGNED)

*Tame Bixby.*  
Chairman.

M C R 7126

COPY.

Muskogee, Indian Territory, November 30, 1903.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 17th day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application of Sophia Hyde for identification as a Mississippi Choctaw, of which decision you were advised by mail on the 5th day of August, 1903.

Respectfully,

(SIGNED)

*Tams Bixby.*

Chairman.

M C R 7126

COPY.

Muskogee, Indian Territory, November 30, 1903.

Sophia Hyde,

Dublin, Mississippi.

Dear Madam:

You are hereby notified that on the 17th day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing your application for identification as a Mississippi Choctaw, of which decision you were advised by registered mail on the 5th day of August, 1903.

Respectfully,

(SIGNED)

*Tams Bixby.*  
Chairman.

2

No. 7126

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

MAR 19 1903

Date  
Name *Sophia Hyde*  
Age *45* Blood *1/2.*  
Post Office, *Dublin, Miss.*  
Father: *Don't know. f.b.*  
Mother: *Mary (negro) d.*

Claims through *father.*  
~~Husband~~: *Abe Hyde neg. L.*  
*(No claim for him)*

Children:

*(Claim for self alone,*

Stenographer *C. J. Diffendaffer*

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.

R. 7

Sophia Hyde

ACT

OR.

ON

ELIGANT

FORWARD

CHOCTAW

AND CHOCTAW

RE

Choctaw MCR 7127

Harriet Doss

MCR 7127

Department of the Interior  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. March 19, 1903.

---o---

In the matter of the application of Harriet Doss for the identification of herself and her eight minor children, Pearl, Thomas, Adolph, Lee, Eunice, Trucman, Josephine and Raymond Doss, as Mississippi Choctaws.

Harriet Doss being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A Harriet Doss.  
Q How old are you? A Thirty-nine.  
Q What is your post office address? A Palmyra, Illinois.  
Q How long have you lived in Illinois? A About nineteen years.  
Q Where did you live before that? A Missouri.  
Q Born in Missouri? A Born in Illinois but parents moved to Missouri when I was small baby and I resided there until I was married.  
Q And returned to Illinois? A About nineteen years ago.  
Q What is your father's name? A James Slayback.  
Q Is he living? A Yes, sir.  
Q What is your mother's name? A Maria Cheatham.  
Q Is she living? A No, sir.  
Q Through which one of your parents do you claim your choctaw blood? A Through my mother.  
Q How much Choctaw blood do you claim? A Well I one-eighth blood I suppose, my mother was one-fourth.  
Q Has your mother through whom you claim your right to be identified as a Mississippi Choctaw ever been recognized or enrolled as a member of the Choctaw tribe by the Choctaw tribal authorities or the United States authorities? A No, sir.  
Q How old would your mother be if she was living now? A She would be fifty-five I think.  
Q And through which parent does your mother claim her Choctaw blood? A I am claiming through?  
Q Which of your mother's parents? A Her father.  
Q What is his name? A Dave Cheatham.  
Q What was her mother's name? A My mother's mother?  
Q Yes? A Her name was Polly.  
Q Polly had no Choctaw blood did she? A No, sir.  
Q Is Dave Cheatham living? A No, sir.  
Q Do you know how old he would be if living now? A No, sir I don't know anything about my mother's people much.  
Q Through which one of his parents did Dave Cheatham claim his Choctaw blood? A From his mother.  
Q What is his mother's name? A My grandfather's mother was Polly Ann Harper, daughter of John Harper. She married John Cheatham my great grandfather, my mother's grandfather.  
Q What was John Harper's wife's name if you know? A No, sir, I couldn't say she was a full blood Indian but I never heard her name.



- Q John Harper and his wife were your great great grandparents? A Yes, sir full blood Choctaw Indian.
- Q Do you know when Dave Cheatham and his wife were married? A No, sir I can't say.
- Q Do you know about when? A I couldn't say that either.
- Q Are you married? A Yes, sir.
- Q What is your husband's name? A John Doss.
- Q He is a white man? A Yes, sir.
- Q Claims no Choctaw blood? A No, sir.
- Q You make no claim for him? A No, sir, just for myself and children.
- Q How many children have you under age and unmarried? A All under age and all unmarried, I have eight.
- Q What are the names and ages of these children? A Pearl twenty years old.
- Q Next? A Thomas, sixteen.
- Q Next? A Adolph, fourteen.
- Q Next? A Lee.
- Q How old is Lee? A Twelve.
- Q Next? A Eunice, ten.
- Q Next? A Truman, eight.
- Q Next? A Josephine, six.
- Q Next? A Raymond, four.
- Q That is all is it? A Yes, sir.
- Q This application then is for yourself and eight minor children? A Yes, sir.
- Q You are mother of these children? A Yes, sir.
- Q John Doss is the father? A Yes, sir.
- Q These children claim their Choctaw blood of course through you? A Yes, sir.
- Q When and where were you married to John Doss? A Married 1880 December 23d.
- Q Is your name or the names of any of these children to be bound on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
- Q Did you or any one for you in the year 1896 make application for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No, sir.
- Q Did you or any one for you or for any of these minor children ever make application to the Choctaw tribal authorities to be enrolled as a member of that tribe? A No, sir.
- Q Is this the first application of any description for citizenship or enrollment in the Choctaw Nation that has ever been made for you or on your behalf? A Yes, sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw land in the Choctaw Nation under article fourteen? A Yes, sir.
- Q Do you understand that article? A Yes, sir, I think so well enough to claim under it.

Article fourteen is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of sur-

vey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q That is the provision of law under which you are claim your right to be identified as a Mississippi Choctaw? A Yes, sir.
- Q What is the name of your Choctaw ancestor who was living in 1830 and head of a family at that time? A Well I can't answer that question.
- Q Were any of your Choctaw ancestors living in the old Choctaw Nation in Mississippi or Alabama in 1830 when this treaty was made? A I don't know.
- Q Did any of your Choctaw ancestors ever comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A Never that I know of.
- Q Were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians in 1830 when this treaty was made? A I don't know.
- Q Did any of your Choctaw ancestors own any improvement in Mississippi in 1830 when this treaty was made? A Not that I know of.
- Q Did any Choctaw ancestor remove from the state of Mississippi to the Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A I don't know.
- Q Did any of your Choctaw ancestors within six months from the ratification of the treaty of Dancing Rabbit Creek signify to the agent their intention to remain in Mississippi, take land there and become citizens of the states, as is provided in article fourteen of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors ever claim or receive any land in Mississippi under article fourteen of the treaty of Dancing Rabbit Creek? A I don't know.
- Q In accordance with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, the government directed an agent in Mississippi to register the names of those Choctaws who might desire to remain in Mississippi, taken land there and become citizens of the states. The records of the government show that this agent failed to register and report to the government the names of many Choctaws who really did signify to him their intention to remain in Mississippi and comply with the provisions of article fourteen of the treaty of 1830, and on this account in many instances the land upon which the Indians lived and which they desired to have reserved for them were sold by the government at its public land sales and the Choctaws deprived of their lands. This caused much complaint among the Choctaws and finally the matter was brought to the notice of Congress and Congress by an

act approved March 3, 1837 and another act approved August 23, 1842 created commissions who went to Mississippi and heard the claims of these Choctaws.)

- Q Did any of your Choctaw ancestors appear before the commission in 1837 or 1842 and attempt to establish their right under article fourteen of the treaty of 1830? A I don't know.

The act of Congress approved August 23, 1842 provided that in case it should be finally determined that a Choctaw had complied with all the provisions of article fourteen of the treaty of Dancing Rabbit Creek but that their land had been sold by the government he should be entitled to select land in Alabama, Mississippi, Louisiana or Arkansas to be taken from vacant government land and that a certificate to that effect should be given him. These certificates were called scrip.

- Q Did any of the Choctaw ancestors ever receive any such scrip from the government as a Choctaw Indian? A I don't know.  
Q So far as you know were any of your Choctaw ancestors ever recognized members of the Choctaw tribe of Indians? A I don't know.  
Q So far as you know did they ever receive any benefit as such? A No, sir.  
Q Have you any witness? A No, sir.  
Q Have you any documentary evidence you want to present? A No, sir.  
Q Do you desire time in which to introduce proper testimony? A No, sir I don't know as I do.

You will be allowed thirty days from this date within which to introduce proper testimony before the Commission in support of this case.

- Q Do you speak or understand the Choctaw language? A No, sir.  
Q Have you any further statement you wish to make? A I don't know as I have.  
Q Is C. C. Hanks a relative of yours? A Yes, sir.  
Q What relation? A Distant cousin, I don't know just what relation.  
Q Is Charles E. Duff related to you? A Yes, sir.

Reference is made to C. C. Hanks, M.C.R. 6508 and to the case of Charles E. Duff, M.C.R. 6563.

This applicant has the appearance of being descended from white parentage, light complexion, blue eyes, brown hair, has no knowledge of any compliance on the part of her ancestors with any of the provisions article fourteen of the treaty of 1830.

---o---

Chas. Diffendaffer, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he re-

7127-5

ported the proceedings had in the above entitled cause taken at Muskogee, Indian Territory, March 19, 1903, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

*Chas. Diffendaffer*

Subscribed and sworn to before me this 24th day of April 1903.

*Charles H. Sawyer*

Notary Public.

K.C.R. 7137.

Muskogee, Indian Territory. April 2, 1903.

Thomas & Harrison,

Attorneys at Law,

Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of the certificate of marriage between John M. Doss and Hettie Slayback; also certificate of marriage between James Thomas Slayback and Maria Cheatham; offered for filing in support of the application made by Harriet Doss for the identification of herself and minor children as Mississippi Choctaws.

The same have been filed with the record in this case.

Respectfully,

Commissioner in Charge.

M C R 7127

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,

Attorneys-at-Law,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission has this day notified Harriet Doss that she will be allowed thirty days from this date in which to submit further evidence in support of the application of herself and minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Commissioner in Charge.

M C R 7127

Muskogee, Indian Territory, November 6, 1903.

Harriet Doss,

Palmyra, Illinois.

Dear Madam:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of yourself and minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Commissioner in Charge.



Muskogee, Indian Territory, March 19, 1904.

Harriet Doss,

Palmyra, Illinois.

Dear Madam:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Chestaw case of Jasper Chambers et al., of which the application made by you for the identification as Mississippi Chestaws of yourself and your eight minor children, Pearl, Thomas, Adolph, Lee, Eunice, Truman, Josephine and Raymond, was made a part, refusing said application.

You are further advised that a copy of such decision has been furnished your attorneys of record, Messrs. Thomas & Harrison, Muskogee, Indian Territory; that the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted, together with such argument and brief as may be submitted by your attorneys of record, to the Secretary of the Interior for his consideration.

Respectfully,

Commissioner in Charge.

Registered.



M.C.R.-7127.

Muskogee, Indian Territory, June 26, 1905.

Harriet Doss,

Palmyra, Illinois.

Dear Madam:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 19th day of March, 1904.

Respectfully,

Chairman.

## FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 19 1903

Name

Harriet Doss

Age

39

Blood

1/8.

Post Office,

Palmyra, Ill.

Father:

James Hayback L.

Mother:

Maria " D.

Claims through

mother 1/4

Husband: John Doss, w. L.

(No claim for him)

Children:

Pearl Doss

20

Thomas "

16

Adolph "

14

Lee "

12

Eunice "

10

Freeman "

8

Josephine "

6

Raymond "

4

(Claims for self &amp; 8 minor children)

Stenographer

C. T. Diffenduff

FOR  
A MISSISSIPPI

Harriet Cross A. del.

DECISION RENDERED.

MAR 4 1904

COPY OF DECISION FORWARDED  
ATTORNEY FOR CHOCTAW AND  
CHICKASAW NATIONS.

MAR 4 1904

NOTICE OF DECISION MAILED APPLICANT.

MAR 19 1904

COPY OF DECISION FORWARDED  
ATTORNEY FOR APPLICANT.

MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED BY  
SECRETARY OF INTERIOR.

MAR 2 1905

NOTICE OF DEPARTMENTAL  
ACTION MAILED APPLICANT.

JUN 26 1905

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT.

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

REFER TO M. C. R.

5670

Choctaw MCR 7128

Carrie Amyx

MCR 7128

Department of the Interior  
Commission to the Five Civilized Tribes.  
Muskegee, I.T. March 19, 1903.

---0---

In the matter of the application of Carrie Amyx for the identification of herself as a Mississippi Choctaw.

S. Heard attorney.

Carrie Amyx being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A Carrie Amyx.  
Q How old are you? A Twenty.  
Q What is your post office address? A Sellers, Kentucky.  
Q How long have you lived in Sellers, Kentucky? A Three years.  
Q Where did you live before that? A Montgomery, Kentucky.  
Q Born in Kentucky? A Yes, sir.  
Q Lived there all your life? A Yes, sir.  
Q What is your father's name? A Tom Amyx.  
Q Is your father living? A Yes, sir.  
Q What is your mother's name? A Alice Amyx.  
Q Is your mother living? A Yes, sir.  
Q Through which one of your parents do you claim your Choctaw blood?  
A Through my mother.  
Q How much Choctaw blood do you claim? A One-sixteenth.  
Q Has your mother through whom you claim your right to identification as a Mississippi Choctaw, ever been recognized in any manner or enrolled as a member of the Choctaw tribe by the Choctaw tribal authorities or the United States authorities? A No, sir.  
Q Through which one of her parents does your mother claim her Choctaw blood? A Her father.  
Q What is her father's name? A George Day.  
Q What is your mother's mother's name? A Josie Day.  
Q Are either of these persons living? A No, sir.  
Q How old is your mother at this time? A Forty-one.  
Q Do you know how old George Day would be if living now? A No, sir, I do not.  
Q Through which one of his parents did he claim his Choctaw blood?  
A Mother Nancy Hanks.  
Q Do you know where Nancy Hanks was born? A No, sir.  
Q Do you know when she was born? A No, sir.  
Q Did your grandfather George Day have any older brothers or sisters?  
A I don't know.  
Q Do you know whether or not Nancy Hanks was married to her husband prior to 1830? A I don't know.  
Q What was her husband's name? A Allen Day, my grandfather's father was Allen day.  
Q Allen Day was a white man. He claimed no Choctaw blood? A I don't know.

- Q Through which one of her parents did Nancy Hanks claim her Choctaw blood? A Great great grandmother.
- Q What was her name? A Lydia Hanks.
- Q Maiden name Lydian Harper? A Yes, sir.
- Q She married Fielding Hanks? A Yes, sir.
- Q And through which parent did Lydia Hanks claim her Choctaw blood? A Father and mother.
- Q They were both full blood Choctaws? A Yes, sir.
- Q Are you married? A Yes, sir.
- Q What is your husband's name? A Matthey Anyx.
- Q Is your husband living? A Yes, sir.
- Q What is his blood? A White.
- Q He claims no Choctaw blood? A No, sir, I reckon not.
- Q You make no claim for him? A Not that I know of.
- Q Have you any children for whom you wish to apply? A No, sir.
- Q This application is for yourself alone? A Yes, sir.
- Q Is your name to be found upon any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
- Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as a member of that tribe? A No, sir.
- Q Did you or any one for you in the year 1896 make application to this commission for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No, sir.
- Q Is this the first application of any description that has ever been made by you or on your behalf? A Yes, sir.
- Q Do you appear before the Commission at this time for the purpose to claim rights in the Choctaw lands in Indian Territory under the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A Yes, sir.

Article fourteen of the treaty of Dancing Rabbit Creek reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Is that the provisions of law under which you are claim your right to identification as a Mississippi Choctaw? A Under article fourteen.

- Q You understand that article do you? A Yes, sir.
- Q What is the name of your Choctaw ancestor who was living in Mississippi in the year 1830 when the treaty of Dancing Rabbit Creek was made? A John Harper I suppose.
- Q Was John Harper the head of a family in Mississippi in the year 1830 when this treaty was made? A I don't know.
- Q Do you know whether you have a less remote ancestor than John Harper who was married and the head of a family at that time? A I don't know.
- Q John Harper was your great great grandfather? A No, sir, great great great grandfather.
- Q Three greats? A Yes, sir.
- Q Were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians in the year 1830 when this treaty was made? A I don't know.
- Q Were any of your Choctaw ancestors living in the old Choctaw Nation in Mississippi or Alabama in 1830 when this treaty was made? A I don't know.
- Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A I don't know.
- Q Did any of your Choctaw ancestors own any improvement in Mississippi in the year 1830 when this treaty was made? A I don't know.
- Q Did any of your Choctaw ancestors remove from the old Choctaw Nation in Mississippi and Alabama to the Present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Indians between the years 1833 and 1838? A I don't know.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of Dancing Rabbit Creek signify to the agent of the government in Mississippi at that time their intention to remain in Mississippi, take land there and become citizens of the states? A I don't know.
- Q Did any Choctaw ancestor ever claim or receive any right land in Mississippi from the government of the United States under the provision of article fourteen of the treaty of Dancing Rabbit Creek? A I don't know.
- Q In accordance with the provisions of article fourteen of the treaty of Dancing Rabbit Creek Congress directed an agent in Mississippi to register the names of those Choctaws who might desire to remain in Mississippi take land there and become citizens of the states. X The records of the government show that this agent failed to register and report to the government the names of many Choctaws who really did signify to him their intention to remain in Mississippi and comply with the provisions of article fourteen and on this account the lands which they desired reserved for them was sold by the government at its public land sales and the Choctaws deprived of their lands, this caused a great deal of complaint among the Choctaws and finally the matter was brought to Congress and Congress by an Act approved March 3, 1837 and another Act approved August 23, 1842, created Commissions to go to Mississippi and hear the cases of the Choctaws who claimed that they had complied with article fourteen but had not received their land.

- Q Did any of your ancestors go before the Commission of 1837 or 1842 and attempt to establish their right under article fourteen of the treaty of Dancing Rabbit Creek? A I don't know.

The act of Congress approved August 23, 1842 provided that in case it should finally be determined that a Choctaw had complied with the provisions of article fourteen of the treaty of 1830 but that his land had been sold by the government he should be entitled to select land in the state of Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant government land and that a certificate to that effect should be given him. These certificates were called scrip.

- Q Did any of your ancestors ever receive any such scrip from the government as a Choctaw Indian? A I don't know.  
 Q So far as you know have any of your ancestors ever been recognized as members of the Choctaw tribe of Indians? A No, sir.  
 Q So far as you know have any ever received any benefit as such? A No, sir.  
 Q Have you any witness before the Commission that you desire to call at this time? A No, sir.  
 Q Have you any documentary evidence to present - any evidence? A No, sir.  
 Q Do you desire time in which to introduce further testimony in support of this case? A Yes, sir.

Thirty days time is ~~not~~ allowed this applicant, this time will not be extended.

- Q Do you speak or understand the Choctaw language? A No, sir.  
 Q Have you any further statement you desire to make? A No, sir.  
 Q Several of your relatives have appeared before the commission and made application? A Yes, sir.  
 Q C. C. Hanks is what relation? A Third cousin.  
 Q Is Charles E. Duff related to you? A Yes, sir.  
 Q What relation is he? A Fourth or fifth cousin.

Reference is made to the case of C. C. Hanks, M.C.R. 6508 and to the case of Chas. E. Duff, M.C.R. 6563, for the purpose of consolidation.

This applicant has the appearance of being a white person shows no indication of being possessed of Choctaw blood, light complexion, blue eyes, light hair; has no knowledge of any compliance or attempted compliance on the part of her ancestors with article fourteen of the treaty of 1830.

-----O-----

Chas. Diffendaffer, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he re-



7128-5

ported the proceedings had in the above entitled cause taken at Muskogee, Indian Territory, March 19, 1903, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

*Chas. Diffendaffer.*

Subscribed and sworn to before me this 24th day of April 1903.

*Charles H. Sawyer*

Notary Public.

M.C.R. 7128.

Muskogee, Indian Territory, November 6, 1903.

Carrie Amyx,

Sellers, Kentucky.

Dear Madam:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of your application for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Commissioner in charge.

M.O.R. 7128.

Kuskogee, Indian Territory, November 6, 1903.

S. Heard,

Attorney-at-Law,

Tishomingo, Indian Territory.

Dear Sir:

You are hereby advised that the Commission has this day notified Carrie Amyx that she will be allowed thirty days from this date in which to submit further evidence in support of her application for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Commissioner in charge.

Muskogee, Indian Territory, March 19, 1904.

Carrie Amyx,

Sellers, Kentucky.

Dear Madam:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which the application made by you for identification as a Mississippi Choctaw was made a part, refusing said application.

You are further advised that the attorney of record in your case, S. Heard, Tishomingo, Indian Territory, has been furnished with a copy of the decision in this case; that the record will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted, together with such argument and brief as may be submitted by your attorney, to the Secretary of the Interior for his consideration.

Respectfully,

Registered.

Commissioner in Charge.

M C R 7128

Muskegee, Indian Territory, June 26, 1905.

Carrie Amyx,

Bellars, Kentucky.

Dear Madam:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 19th day of March, 1904.

Respectfully,

Chairman.

(24)

7128

For Identification as a MISSISSIPPI CHOCTAW.

Date MAR 19 1908

Name *Carrie Amyx*

Age 20. Blood  $\frac{1}{16}$

Post Office, *Sellers, Ky.*

Father: *Tom Amyx* L.

Mother: *Alice* " L.

Claims through *mother.*

Husband: *Matthew Amyx* L.

(No claim for him,

~~claimant~~

(Claims for self only,

Stenographer *C. I. Diffendaffer*

FOR IDENTIFICATION  
A MISSISSIPPI CHOCTAW.

*Carrie Amys*

DECISION RENDERED.

MAR 4 1904

COPY OF DECISION FORWARDED  
ATTORNEY FOR CHOCTAW AND  
CHICKASAW NATIONS.

MAR 4 1904

NOTICE OF DECISION MAILED APPLICANT: MAR 19 1904

COPY OF DECISION FORWARDED  
ATTORNEY FOR APPLICANT.

MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED BY  
SECRETARY OF INTERIOR.

MAR 30 1905

NOTICE OF DEPARTMENTAL  
ACTION MAILED APPLICANT.

JUN 26 1905

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT.

JUN 26 1905

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

JUN 26 1905

REFER TO M. C. R.

5370

Choctaw MCR 7129

Fielding Meadows

MCR 7129



Department of the Interior  
Commission to the Five Civilized Tribes  
Muskogee, I.T. March 19, 1903.

---o---

In the matter of the application of Fielding Meadows for the identification of himself and his two minor children, Zoerena and Lieu E. Meadows, as Mississippi Choctaws.

S. Heard attorney.

Fielding Meadows being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A Fielding Meadows.  
Q How old are you? A Twenty-one.  
Q What is your post office address? A Rogers, Kentucky.  
Q How long have you lived in Rogers, Kentucky? A Five years.  
Q Where did you live before that? A Lived in Torrent, while in Powell county.  
Q Born in Kentucky? A Yes, sir.  
Q Lived there all your life? A Yes, sir.  
Q What is your father's name? A John Meadows.  
Q Is he living? A Yes, sir.  
Q What is your mother's name? A Lydia Meadows.  
Q Is your mother living? A Yes, sir.  
Q Through which one of these parents do you claim your Choctaw blood? A My mother.  
Q How much Choctaw blood do you claim? A I claim one-eighth.  
Q Has your mother, through whom you claim your right to identification as a Mississippi Choctaw, ever been recognized or enrolled as a member of the Choctaw tribe by the Choctaw tribal authorities or the United States authorities? A No, sir, not that I know of.  
Q Your mother has heretofore made application for identification as a Mississippi Choctaw? A Yes, sir.  
Q Through which parent does your mother claim her Choctaw blood? A Her mother.  
Q What was her mother's name? A Hanks.  
Q Full name? A I don't believe I remember her full name.  
Q What was her father's name? A Wm. Spencer.  
Q What was your mother's maiden name? A Hanks.  
Q Don't you know her given name? A Louisa.  
Q Through which one of her parents did Louisa Hanks claim her Choctaw blood? A Through her mother.  
Q What was her mother's name? A Lydia Harper I believe.  
Q Through which one of her parents did Lydia Harper derive her Choctaw blood? A I don't remember.  
Q What was the name of Louisa Spencer's father if you know? A Gud Hanks, I think Fielding Hanks.  
Q Was it Gud Hanks or Fielding Hanks? A Fielding Hanks.  
Q Fielding Hanks then was your great great grandfather? A He was my great grandfather, I reckon.

- Q And Fielding Hanks wife's name was Lydia? A Yes, sir.
- Q Through which one of her parents did Lydia claim her Choctaw blood? A Through John Harper.
- Q Lydia Hanks maiden name was Lydia Harper was it? A Yes, sir.
- Q And she claimed her Choctaw blood through John Harper and his wife? A No, sir, Lydia Hanks claimed through her mother.
- Q Through John Harper and his wife didn't she? A Yes, sir.
- Q What relation was John Harper to you? A He was my great great grandfather.
- Q Are you married? A Yes, sir.
- Q What is your wife's name? A Nancy Meadows.
- Q She is living? A Yes, sir.
- Q White woman? A Yes, sir.
- Q Claims no Choctaw blood? A No, sir.
- Q You make no claim for her? A No, sir.
- Q Have you any minor children for whom you wish to apply? A Two.
- Q What are their names and ages? A Zeerena Meadows.
- Q How old is Zeerena? A Three years.
- Q Next? A Lieu E.
- Q How old is Lieu? A Three weeks.
- Q Boy or girl? A Girl.
- Q Are you the father of these children? A Yes, sir.
- Q Nancy Meadows is the mother? A Yes, sir.
- Q Do your children claim their Choctaw blood through you? A Yes, sir.
- Q You apply then for yourself and two minor children? A Yes, sir.
- Q When were you married to Nancy Meadows? A 6th April 1899.
- Q You were married by a minister under a license? A Yes, sir.
- Q You have your marriage license and certificate with you at this time? A Yes, sir.

Applicant offers in evidence marriage license and certificate between F. T. Meadows and Nancy Pamer, which is filed, marked exhibit "A" and made a part of the record in this case.

- Q Is your name on any of the tribal rolls of the Choctaw Nation, with your children? A No, sir.
- Q Did you or any one for you in the year 1896 make application to this Commission for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No, sir.
- Q Did you or any one for you ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as members of that tribe? A Not that I knew of.
- Q Is this the first application of any description for citizenship or enrollment in the Choctaw Nation that you ever made for yourself? A Yes, sir.
- Q Do you appear before this Commission for the purpose of claiming rights in the Choctaw land in Indian Territory under article fourteen of the treaty of 1830? A Yes, sir.

Article fourteen of the treaty reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from

the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him or her ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Is that the provisions of law under which you are claiming your right to identification as a Mississippi Choctaw for yourself and your two children? A Yes, sir.
- Q You understand that article? A Yes, sir.
- Q What is the name of your Choctaw ancestor who was living in Mississippi in 1830 and head of a family at that time? A John Harper and his wife.
- Q Did you not have a less remote ancestor than John Harper and his wife who was living in 1830 and head of a family at that time? A I don't know.
- Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A I don't know.
- Q Was any Choctaw ancestor a member of the Choctaw tribe when the treaty was made in 1830? A I don't know.
- Q Did any Choctaw ancestor live on land in the Choctaw Nation Mississippi or Alabama when this treaty was made? A I don't know.
- Q Did any Choctaw ancestor own any improvement in the old Choctaw Nation in Mississippi or Alabama in 1830? A I don't know.
- Q Did any Choctaw ancestor remove from the old Choctaw Nation in Mississippi or Alabama to the present Choctaw Nation Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A I don't know.
- Q Did any Choctaw ancestor within six months from the ratification of the treaty of 1830 signify to the agent of the government at that time an intention to remain in Mississippi, take land there and become citizens of the states as provided in the fourteenth article of the treaty of 1830? A I don't know.

In accordance with the provision of article fourteen of the treaty of Dancing Rabbit Creek an agent was sent to Mississippi by the government to register the names of those Choctaws who might desire to remain in Mississippi, take land there and become citizens of the states. The records of the government show that this agent failed to register and report to the government the names of many Choctaws who really did signify to him their intention to remain there and become citizens of the states.

On this account in many instances land on which the Indians lived and had improvements and which they desired reserved for themselves was sold by the government at its public land sales and the Choctaws were deprived of their land. This caused a great many complaints among the Choctaws and finally the matter was brought before Congress, and Congress by acts approved March 3, 1837 and August 23, 1842 created commissions who went to Mississippi and heard the cases of Choctaws who claimed that they had attempted to comply with article fourteen but had not received their land.

Q Did any of your Choctaw ancestors appear before either the commission of 1837 or the Commission of 1842 and attempt to establish their right under article fourteen of the treaty of the Dancing Rabbit Creek? A I don't know.

The act approved August 23, 1842 provided that in case it should finally be determined that a Choctaw had complied with all the provisions of article fourteen of the treaty of Dancing Rabbit Creek, but that their land had been sold by the government, he should be entitled to select land anywhere in the state of Mississippi, Alabama, Louisiana or Arkansas to be taken from vacant government land and that a certificate to that effect should be given him. These certificates were called scrip.

Q Did any of your ancestors ever receive any scrip? A Not that I know of.

Q So far as you know did any of your ancestors ever receive any recognition as a member of the Choctaw tribe of Indians? A Not that I know of.

Q So far as you know did they ever receive any benefit as such? A Not that I know of.

Q Have you any witnesses? A None.

Q Have you any documentary evidence you want to file? A No, sir.

Q Do you desire time in which to introduce other proof in your case? Don't make any difference.

You are allowed thirty days time this time will not be extended.

Q Do you speak or understand the Choctaw language? A No, sir.

Q Have you any further statement you wish to make? A No, sir.

Q Several of your relatives have appeared before the commission? A Yes, sir.

Q What relation is C. C. Hanks to you? A Second cousin.

Q Charles E. Duff? A Second cousin.

Reference is made to C. C. Hanks, M.C.R. 6508 and Charles E. Duff, M.C.R. 6563.

This applicant appears to be a white man shows no indication of being possessed of Choctaw blood, light hair, light complexion, blue eyes, has no knowledge of a compliance on the part of his ancestors with the provisions of article fourteen of the treaty of 1830.

Chas. Diffendaffer, being first duly sworn states that as

7129-4

stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause taken at Muskogee, Indian Territory, March 19, 1903, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

*Chas. Diffendaffer*

Subscribed and sworn to before me this 30th day of April, 1903.

*Charles H. Seuryer*

Notary Public.

M C R 7129

Muskogee, Indian Territory, November 6, 1903.

S. Heard,

Attorney-at-Law,

Tishomingo, Indian Territory.

Dear Sir:

You are hereby advised that the Commission has this day notified Fielding Meadows that he will be allowed thirty days from this date in which to submit further evidence in support of his application for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Commissioner in Charge.

M C R 7129

Muskogee, Indian Territory, November 6, 1903.

Fielding Meadows,

Rogers, Kentucky.

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of yourself and minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Commissioner in Charge.

Waukegon, Indian Territory, March 21, 1904.

Fielding Meadows,

Rogers, Kentucky.

Dear Sir:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers et al., of which the application made by you for the identification as Mississippi Choctaws of yourself and your two minor children Zeerena and Lila E. Meadows, was made a part, refusing said application.

You are further advised that a copy of such decision has been furnished your attorney of record, S. Heard, Esq., of Tishomingo, Indian Territory; that the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted, together with such argument and brief as may be submitted by your attorney of record, to the Secretary of the Interior for his consideration.

Respectfully,

Commissioner in Charge.

Registered.



M C R 7129

Muskogee, Indian Territory, June 26, 1905.

Fielding Meadows,  
Rogers, Kentucky.

Dear Sir:

You are hereby notified that on the 3eth day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 19th day of March, 1904.

Respectfully,

Chairman.

(5)

No.

7129

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

MAR 19 1903

Date

Name *Fiddling Meadows.*

Age *28* Blood *1/8*

Post Office, *Rogers, Ky*

Father: *John Meadows. L*

Mother: *Lydia " L*

Claims through *mother*

*Wife Nancy Meadows. w. L*  
*No claim for her*

Children:

*Zoorena Meadows 3*  
*Lieut E. " 3 yrs*

*(Claims for self + 2 children)*

Stenographer *C. J. Diffendaffer*

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.

*Fielding Meadows et al*

DECISION RENDERED.

MAR 1 1904

COPY OF DECISION FORWARDED  
ATTORNEYS FOR CHOCTAW AND  
CHICKASAW NATIONS.

MAR 1 1904

NOTICE OF DECISION MAILED APPLICANT.

MAR 19 1904

COPY OF DECISION FORWARDED  
ATTORNEY FOR APPLICANT.

MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED BY  
SECRETARY OF INTERIOR.

MAR 30 1905

NOTICE OF DEPARTMENTAL  
ACTION MAILED APPLICANT.

JUN 26 1905

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT.

JUN 26 1905

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

JUN 26 1905

REFER TO M. C. R.

5070

Choctaw MCR 7130

William R. Thomas

MCR 7130

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of William R. Thomas, et al., for identification as Mississippi Choctaws, M.C.R. 7130.

I N D E X .

List of papers forwarded to the Secretary of the Interior comprising the record in the above case.

(Page)

Original application of William R. Thomas, et al., before the Dawes Commission for identification as Mississippi Choctaws,

1

Sworn statement of G. B. Thomas,

6

Decision of the Commission refusing the application of William R. Thomas, et al., for identification as Mississippi Choctaws,

7

Department of the Interior  
Commission to the Five Civilized Tribes  
Muskegee, I.T. March 19, 1903.

---o---

In the matter of the application of William R. Thomas for the identification of himself and his six minor children, Jay, Eva, Ames, Lawrence, Wayne and Talmadge Thomas, as Mississippi Choctaws.

Thomas & Harrison attorneys.

William R. Thomas being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A William R. Thomas.  
Q How old are you? A Thirty-nine.  
Q What is your post office address? A Pinetop, Kentucky.  
Q How long have you lived at Pinetop, Kentucky? A How long have I lived there? Been living there about twenty-five years.  
Q Were you born in Kentucky? A Yes, sir.  
Q Lived there all your life? A No, sir, lived in Indiana two years.  
Q And then returned to Kentucky? A Yes, sir.  
Q What is your father's name? A Green B. Thomas.  
Q Is he living? A Yes, sir.  
Q What is your mother's name? A Siltana.  
Q Is your mother living? A No, sir.  
Q Through which one of your parents do you claim Choctaw blood? A My father's mother.  
Q Through which parent? A My father.  
Q How much Choctaw blood do you claim? A One-eighth.  
Q Has your father through whom you claim your right to identification as a Mississippi Choctaw ever been recognized in any manner as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities? A Not that I know of.  
Q Where and when were your father and mother married? A Father and mother married in 1844.  
Q Were they married in Kentucky? A Yes, sir.  
Q Have you any evidence of their marriage with you at this time? A No, sir.

It will be necessary that you furnish the Commission with proper evidence of the marriage of your parents. This evidence may be furnished within thirty days from this date.

- Q Through which parent does your father claim his Choctaw blood? A Mother.  
Q What is her name? A Lucy Prester.  
Q What was your father's father's name? A Edward Thomas.  
Q Edward Thomas was a white man and possessed no Choctaw blood? A Full blood Cherokee.

- Q Has your father ever made any attempt to be enrolled as a member of the Cherokee tribe? A My brother made an attempt in 1896.
- Q Was your name included in that application? A No, sir, I don't think it was.
- Q You are sure no application was made for you at that time? A I don't know, I was absent from Kentucky at that time.
- Q How much Choctaw blood did Lucy Thomas your grandmother have? A One-half.
- Q Through which one of her parents did she claim her Choctaw blood? A I don't know.
- Q You are not able to trace your Choctaw ancestry back of Lucy Thomas? A No, sir.
- Q Were Edward Thomas and Lucy Thomas married prior to 1830? A Yes, sir, 1818.
- Q And they were living in 1830? A Yes, sir.
- Q Are you married? A Yes, sir.
- Q What is your wife's name? A Hellen Thomas.
- Q Is she a white woman? A Yes, sir.
- Q She claimed no Indian blood? A No, sir.
- Q You make no claim for her? A No, sir.
- Q Have you any minor children that you wish to make application for? A Yes, sir, six.
- Q Give their names and ages? A Eva.
- Q How old? A Eleven years old.
- Q Next? A Ames, nine.
- Q Next? A Lawrence.
- Q How old is Lawrence? A Seven.
- Q Next? A Wayne, three.
- Q Next? A Talmadge, sixteen months.
- Q One more? A Jay, twelve.
- Q This application then is for yourself and your six minor children? A Yes, sir.
- Q You are the father? A Yes, sir.
- Q Hellen Thomas is the mother of these children? A Yes, sir.
- Q When and where were you married to Hellen Thomas? A Kentucky, 1827.
- Q Married by a minister under a license? A Yes, sir.
- Q Have you any evidence of that marriage with you at this time? A No, sir.

It will be necessary that you furnish the Commission with proper evidence of this marriage in support of the application made for your children.

- Q Is your name or the name of any of these minor children to be found upon any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
- Q Did you or any one for you in the year 1896 make application to this Commission for citizenship in the Choctaw Nation under the act of Congress approved June 10, 1896? A No, sir.
- Q Did you or any one for you ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as a member of that tribe? A No, sir.
- Q Is this the first application for citizenship in the Choctaw Nation for yourself and these six minor children that has ever been made? A Yes, sir.



- Q Do you appear before the Commission at this time for the purpose of claiming a right in the Choctaw Nation under article fourteen of the treaty of Dancing Rabbit Creek? A Yes, sir.

Article fourteen of the treaty of Dancing Rabbit Creek reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You understand that article do you? A Yes, sir.
- Q That is the provision of law under which you are claiming your right for identification as a Mississippi Choctaw? A Yes, sir.
- Q What is the name of your Choctaw ancestor who was living in Mississippi in 1830 and head of a family? A They were not living in Mississippi at that time they moved out after their marriage in 1818 to Carolina.
- Q You refer to your grandmother Lucy Thomas? A Yes, sir.
- Q Your grandmother was living in North Carolina in 1830? A Yes, sir.
- Q She was head of a family at that time? A Yes, sir.
- Q Was your father also living in North Carolina in 1830? A Yes, sir.
- Q Did Lucy Thomas your grandmother ever comply or attempt to comply with the provision of article fourteen of the treaty of 1830? A Not that I know of.
- Q Was she a recognized member of the Choctaw tribe in 1830 when this treaty was made? A I don't know.
- Q Did she own any improvement in Mississippi in 1830 when this treaty was made? A I have heard my father say there was a great deal land due his people, I have heard him talk about it.
- Q Do you know whether your grandmother Lucy Thomas owned any improvement in Mississippi in 1830? A I don't know whether she did or not.
- Q Did Lucy Thomas remove from the state of Mississippi to the Indian Territory at the time of the removal of the greater portion of the Choctaw tribe between the years 1833 and 1838? A No, sir, she came to Kentucky.



- Q After your grandmother Lucy Thomas removed to North Carolina after her marriage in 1818 did she ever after that time live in Mississippi? A Not that I know of.
- Q Did Lucy Thomas or any one of your ancestors within six months after the treaty of Dancing Rabbit Creek was ratified, signify to the agent of the government in Mississippi at that time her intention to remain in Mississippi, take land there and become a citizen of the states as is provided in article fourteen of the treaty of 1830? A Not that I know of.
- Q Did any Choctaw ancestor ever claim or receive any land in Mississippi from the government of the United States under the provision of article fourteen of the treaty of 1830? A Not that I know of.

In accordance with the provision of article fourteen of the treaty of Dancing Rabbit Creek the government directed an agent in Mississippi to register the names of those Choctaws who might desire to remain in Mississippi, taken land there and become citizens of the states. The records of the government show that this agent failed to register and report to the government the names of many Choctaws who really did signify their intention to remain in Mississippi and comply with the provision of article fourteen of the treaty of 1830, and on this account in many instances the land the land upon which the Indians lived, had improvements, and which they desired reserved for them under article fourteen was sold by the government at its public land sales and the Choctaws deprived of their land. This caused a great many complaints and finally the matter was brought before Congress and Congress by acts passed in 1837 and 1842 created commissions who went to Mississippi and heard the claims of Choctaws who claimed that they had complied with the provisions of article fourteen but had not received their land.

- Q Did any Choctaw ancestor appear before either of these commissions in 1837 or 1842 and attempt to establish their right under article fourteen of the treaty of 1830? A Not that I know of.

The act of Congress approved August 23, 1842 provided that in case it should be finally determined that a Choctaw had complied with all the provisions of article fourteen of the treaty of 1830 but that their land had been sold by the government, he should be entitled to select land in the state of Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant government land and that a certificate to that effect should be given him. These certificates were called scrip.

- Q Did any of your Choctaw ancestors ever receive any scrip? A Not that I know of.
- Q So far as you know did they ever receive any benefit whatever as a Choctaw Indian? A Not that I know of.
- Q Have you any witness that you desire to call today? A No, sir.
- Q Have you any documentary evidence to present? A No, sir.

This applicant ~~appears~~ offers statement of G. B. Thomas, same is filed, marked exhibit "A" and made a part of the record in this case.

7130-5

Q Do you desire time in which to introduce further evidence in this case? A Yes, sir.

You will allowed thirty days time from this date in which to introduce such evidence.

Q Do you speak or understand the Choctaw language? A No, sir.

Q Does your father speak or understand the Choctaw language? A No, sir, can speak the Cherokee.

Q Have you any further statement you desire to make? A No, sir.

This applicant appears to be possessed of mixed blood, Indian and white dark complexion, dark hair, he does not speak or understand the Choctaw ~~or~~ language and has no knowledge of any compliance on the part of any of his ancestors with any of the provisions ~~as~~ of article fourteen of the treaty of 1830.

---0---

Chas. Diffendaffer, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause taken at Muskogee, Indian Territory, March 19, 1903, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

*Chas. Diffendaffer*

Subscribed and sworn to before me this 30th day of April 1903.

*Charles H. Sawyer*  
Notary Public.

059  
DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

COPY.

In the matter of the application of William R. Thomas, et al., for identification as Mississippi Choctaws, M.C.R. 7130.

DECISION.

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by William R. Thomas for himself and his six minor children, Eva, Amos, Lawrence, Wayne, Talmadge and Jay Thomas, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, on reason of being descendants of Lucy Thomas, nee Proctor, who is alleged to have been an one half blood Choctaw Indian.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commissioner to the Five Civilized Tribes.

lized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder that the said Lucy Thomas, nee Proctor, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William R. Thomas, Eva Thomas, Amos Thomas, Lawrence Thomas, Wayne Thomas, Talmadge Thomas and Jay Thomas, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

*Tams Bixby.*

(SIGNED)

*T. B. Needles.*  
Chairman.  
COMMISSIONER.

(SIGNED)

*C. R. Breckinridge.*

Commissioner.

(SIGNED)

*W. E. Stanley.*

Commissioner.

Muskogee, Indian Territory

AUG 7 1903

COPY.

Muskogee, Indian Territory, August 7, 1903.

Mansfield McMurray & Cornish,  
Attorneys for the Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:-

You are hereby advised that on the 7th day of August 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of William R. Thomas, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 ( 30 Stats., 495):

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William R. Thomas, Eva Thomas, Amos Thomas, Lawrence Thomas, Wayne Thomas, Talmadge Thomas and Jay Thomas, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*T. B. Needles.*  
Commissioner in Charge.

Muskogee, Indian Territory, August 7, 1903.

William R. Thomas,  
Pinetop, Kentucky,

Dear Sir:-

You are hereby advised that on the 7th day of August 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of William R. Thomas, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William R. Thomas, Eva Thomas, Amos Thomas, Lawrence Thomas, Wayne Thomas, Talmadge Thomas and Jay Thomas, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

W. R. T. 2.

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*T. B. Needles.*

Commissioner in charge.

Registered.



Muskogee, Indian Territory, August 7, 1903.

Thomas & Harrison,

Attorney's at Law,

Muskogee, Indian Territory.

Gentlemen:-

You are hereby advised that on the 7th day of August 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of William R. Thomas, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William R. Thomas, Eva Thomas, Amos Thomas, Lawrence Thomas, Wayne Thomas, Talmadge Thomas and Jay Thomas, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."



T & H. 2.

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*T. B. Needles.*  
Commissioner in Charge.

Registered.

COPY.

Muskogee, Indian Territory, August 24, 1903.

The Honorable,

The Secretary of the Interior,

Sir:

There is transmitted herewith the record in the case of William R. Thomas, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of August 7, 1903.

The Commission has the honor to report that the principal applicant herein, his attorneys of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED)

*I. E. Needles.*

in Charge

Through the Commissioner of Indian Affairs.  
S. Enc. M.C.R. 7130.

(COPY).

DEPARTMENT OF THE INTERIOR,

W.C.F.  
F.H.E.

WASHINGTON,

November 23, 1903.

D.C. 32878.  
ITD. 7800-1903.  
L.R.S.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

August 24, 1903, you transmitted the case involving the application of William R. Thomas (M.C.R. 7130), for <sup>the</sup> identification of himself and his six minor children, Eva, Amos, Lawrence, Wayne, Talmadge and Jay Thomas, as Mississippi Choctaws, including your decision of August 7, 1903, refusing to identify them as such.

The applicants claim rights to Choctaw lands under article 14 of the Choctaw treaty 1830, by reason of being descendants of Lucy Thomas, nee Proctor, who is alleged to have been a Choctaw Indian and a resident of North Carolina in 1830.

The evidence furnished by the record, as well as the records of the Indian Office, fails to show that said Lucy Thomas, nee Proctor, complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830, or the subsequent acts of Congress relating thereto.

--2--

Reporting October 30, 1903, the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation and your decision rejecting the applicants is accordingly affirmed.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

(COPY).

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, Oct. 30, 1903.

Land.  
55, 275-1903.

The Honorable,

The Secretary of the Interior.

Sir:-

I have the honor to invite your attention to the record of the Commission to the Five Civilized Tribes, in the matter of the application of William R. Thomas for identification for himself and his six minor children, Eva, Amos, Lawrence, Wayne, Talmadge and J. Thomas, as Mississippi Choctaws, wherein a decision rejecting them was entered by the commission on August 7, 1903.

The record in this case shows that the applicants base their claims to a right to identification on their descent from Lucy Thomas who is alleged to have been a Choctaw Indian in 1830, but who did not reside in the Choctaw Nation, but was a resident of North Carolina. No proof is submitted of her compliance with the provisions of article 14 of the Choctaw treaty of 1830.

The applicants were denied identification by the commission for the reason that its records failed to show that their ancestors, whose name was given, was a beneficiary under the provisions of the

14th article of the Choctaw Treaty.

An examination of the records of this office has been made with reference to the name of Lucy Thomas and it is ascertained that her name does not appear among the names of those persons who were beneficiaries under the 14th article of the Choctaw treaty or the subsequent legislation relative thereto. The treaty provided for Choctaws who were residents of the Choctaw Nation, in Mississippi or Alabama, at that time, and if Lucy Thomas was a resident of North Carolina, as is stated by the witnesses, she could not have complied with the provisions of the 14th article of the treaty. I therefore recommend that the decision of the commission rejecting these applicants be approved.

Very respectfully,

W. A. Jones,  
Commissioner.

(E.B.H.)P.

M.O.R. 7130.

COPY:

Muskogee, Indian Territory, December 5, 1903.

Thomas Harrison,  
Attorneys-at-Law,

Muskogee, Indian Territory.

Gentlemen:

You are hereby notified that on the 23rd day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of William R. Thomas et al., of which decision you were advised by registered mail on the 7th day of August, 1903.

Respectfully,

(SIGNED)

*Tams Bixby.*  
Chairman.

M.C.R. 7130.

COPY:

Muskogee, Indian Territory, December 3, 1903.

William R. Thomas,  
Pinetop, Kentucky.

Dear Sir:

You are hereby notified that on the 23rd day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of William R. Thomas et al., of which decision you were advised by registered mail on the 7th day of August, 1903.

Respectfully,

(SIGNED)

*Tams Bixby.*  
Chairman.



H.C.R. 7130.

COPY.

Muskogee, Indian Territory, December 3, 1903.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 23rd day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of William R. Thomas et al., of which decision you were advised by mail on the 7th day of August, 1903.

Respectfully,

1312-101

*Tame Dixie.*  
Chairman.

No. 7130

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 19 1903

Name William R Thomas.

Age 39. Blood 1/8.

Post Office, Pinetop Ky.

Father: Green B Thomas. L

Mother: Siltana " (white), D.

Claims through father

Wife: Helen Thomas. " L

Children:

Jay Thomas	12
Eva	11
Amos	9
Lawrence	7
Wayne	3
Talmadge	16 mo

(Claims for self & 6  
"living children")

Stenographer C. J. Diffendoffer

FOR IDENTIFICATION  
A MISSISSIPPI CHOCTAW.

William R. Thomas,

FOR IDENTIFICATION.

FOR IDENTIFICATION.

FOR IDENTIFICATION.

FOR IDENTIFICATION.

Choctaw MOR 7131

Mary E. Gaffney

MOR 7131

Department of the Interior  
Commission to the five Civilized Tribes  
Muskegee, I.T. March 19, 1903.

---0---

In the matter of the application of Mary E. Gaffney for the identification of herself as a Mississippi Choctaw.

Thomas & Harrison attorneys.

Mary E. Gaffney being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A Mary E. Gaffney.  
Q How old are you? A Twenty-seven.  
Q What is your post office address? A Elkhart, Illinois.  
Q How long have you lived in Elkhart? A Most all my life.  
Q Born in Illinois? A Yes, sir.  
Q Lived there all your life? A Yes, sir.  
Q What is your father's name? A Montford Harper.  
Q Is he living? A Yes, sir.  
Q What is your mother's name? A Maiden name?  
Q No? A Elizabeth Harper.  
Q Is your mother living? A Yes, sir.  
Q Through which parent do you claim your Choctaw blood? A Father.  
Q How much Choctaw blood do you claim? A One-eighth.  
Q Through which one of his parents does your father claim? A His father.  
Q What is his father's name? A Samuel Harper.  
Q What is your father's mother's name? A Mary Ann.  
Q She was a white woman? A Yes, sir.  
Q Claimed no Choctaw blood? A No, sir.  
Q Through which one of his parents did Samuel Harper claim his Choctaw blood? A His father.  
Q What was his father's name? A Charles.  
Q Do you know what the name of the mother of Samuel Harper was? A No, sir, I don't know.  
Q She claimed no Choctaw blood? A No, sir.  
Q Through which one of his parents did Charles Harper claim his Choctaw blood? A His father I guess.  
Q What was his father's name? A Well I don't know.  
Q You are not able to trace your ancestry any further back than to Charles Harper your great grandfather? A No, sir.  
Q Do you know how much Choctaw blood he had? A Full blood.  
Q Do you know where he was born? A Mississippi.  
Q Do you know when? A No, sir.  
Q Where was your father born? A In Illinois.  
Q How old is your father at this time? A I think fifty-eight, I don't know.  
Q Did he have any older brothers or sisters? A I don't know.  
Q Do you know where Samuel Harper was born? A No, sir.  
Q Do you know how old he would be if living now? A No, sir.  
Q Do you know when Samuel Harper and Mary Harper were married? A No, sir.

- Q Do you know whether or not they were married prior to 1830? A I don't know.
- Q Do you know where Charles Harper was born? A No, sir.
- Q Have you any evidence of the marriage of your parents with you at this time? A Yes, sir.
- Q They have been filed in other cases have they? A Yes, sir.
- Q Are you married? A Yes, sir.
- Q What is your husband's name? A Peter Gaffney.
- Q He is a white man? A Yes, sir.
- Q Claims no Choctaw blood? A No, sir.
- Q Is he living? A Yes, sir.
- Q You make no claim for him? A No, sir.
- Q Have you any minor children for whom you wish to make application? A No, sir.
- Q This application is for yourself alone? A Yes, sir.
- Q Is your name to be found on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
- Q Did your or any one for your in the year 1896 make application to this Commission for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No, sir.
- Q Did your or any one for your ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as a citizen of that tribe? A No, sir.
- Q Is this the first application of any description for citizenship or enrollment in the Choctaw Nation that you have ever made for yourself? A Yes, sir.
- Q Do you appear before the commission at this time for the purpose of claiming a right in the Choctaw land in Indian Territory under the provisions of article fourteen of the treaty of "Dancing Rabbit Creek? A Yes, sir.

Article fourteen of the treaty reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q That is the provisions of law under which you are claiming your right to be identified as a Mississippi Choctaw? A Yes, sir.

- Q What is the name of your choctaw ancestor who was living in 1830 and head of a family at that time? A Charles Harper.
- Q Do you know the name of a less remote ancestor who was married and head of a family at that time? A I don't know.
- Q Did any of your choctaw ancestors ever comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A I don't know.
- Q Do you know whether Charles Harper was any relation to John Harper? A Yes, sir.
- Q Do you know what relation? A Brothers they say.
- Q Did any of your choctaw ancestors live in the old Choctaw Nation in Mississippi or Alabama at the time this treaty was made? A I think they did.
- Q Do you know who lived there? A No, sir.
- Q Did any of your Choctaw ancestors own any improvement at that time in the old Choctaw Nation in Mississippi or Alabama? A I don't know.
- Q Did any of your Choctaw ancestors remove from that old Choctaw Nation in Mississippi or Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe between the years 1833 and 1838? A I don't know.
- Q Did any of your choctaw ancestors within six months from the ratification of the treaty of Dancing Rabbit Creek signify to the agent of the government in Mississippi at that time, whose name was Colonel Ward, an intention to remain in Mississippi, take land there and become citizens of the states? A I don't know.
- Q Did any of your choctaw ancestors ever claim or receive any land in Mississippi from the government of the United States as Choctaw Indians under article fourteen? A I don't know.

In accordance with the provisions of article fourteen of the treaty of 1830 the government directed an agent in Mississippi to register the names of those choctaws who might desire to remain in Mississippi, take land there and become citizens of the states. The records of the government show that this agent failed to register, and report to the government, the names of many choctaws who really did signify to him their intention to remain in Mississippi and comply with the provision of article fourteen of Dancing Rabbit Creek, and on this account in many instances land on which the Indian lived and had improvements, and which he desired reserved for himself under article fourteen was sold by the government at its public land sales, and the Choctaw deprived of his land. This caused a great many complaints on the part of the Choctaws and finally the matter was brought to the notice of Congress, and Congress by acts passed in 1837 and 1842 provided for the appointment of Commissions who went to Mississippi and heard the cases of Choctaws who claimed that they had complied with article fourteen of the treaty of 1830 but had not received their land.

- Q Did any of your Choctaw ancestors appear before the commission appointed in 1837 or 1842 and attempt to establish their right under article fourteen of the treaty of 1830? A I don't know.

The act of Congress approved August 23, 1842 provided that in case a Choctaw had complied with all the provisions of article fourteen but that his land had been sold by the government he should be entitled to select land in state of Mississippi, Alabama, Louisiana or Arkansas to be taken from vacant government land and that a certificate to that effect should be given to that effect. These certificates were called scrip.

- Q Did any of your Choctaw ancestors ever receive any of this scrip from the government? A I don't know.
- Q So far as you know have any of your ancestors ever been recognized members of the Choctaw tribe? A I don't know.
- Q So far as you know have any ever received any benefits as such? A I don't know.
- Q Have you any witnesses present that you desire to introduce in support of your application? A No, sir.
- Q Have you any documentary evidence to offer, any papers? A No, sir.
- Q Do you desire time in which to introduce further testimony? A Yes, sir.

You will be allowed thirty days from this date.

- Q Do you speak or understand the Choctaw language? A No, sir.
- Q Have you any further statement you wish to make? A No, sir.
- Q Have any of your relatives appeared here recently and made application? A They are applying now.
- Q Do you know whether you are any relation to C. C. Hanks? A No, sir.

This applicant appears to be a white person shows no indication of Indian blood, dark hair, brown eyes, light complexion, she has no knowledge of a compliance on the part of her ancestors with the provisions of article fourteen of the treaty of 1830.

---O---

Chas. Diffendaffer, being first duly sworn states that as stenographer to the commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause taken at Muskogee, Indian Territory, March 19, 1903, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

*Chas. Diffendaffer*

Subscribed and sworn to before me this 30th day of April 1903.

*Charles H. Sawyer*  
Notary Public.



M C R 7131  
M C R 7133

Muskogee, Indian Territory, April 28, 1903.

Thomas & Harrison,  
Attorneys at Law,  
Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 24th instant, enclosing certificate of the Clerk of Logan county, Illinois, relative to the marriage of Spencer S. Rickord and Loretta G. Harper, offered in support of the application made by Loretta G. Rickords for the identification of herself and minor child as Mississippi Choctaw.

Also certificate of the Clerk of Logan county, Illinois, relative to the marriage of Peter Gaffney and Mary Ellen Harper, offered in support of the application made by Mary E. Gaffney for identification as a Mississippi Choctaw.

The above mentioned documents have been filed with the record in the respective cases.

Respectfully,

Chairman.

M.C.R. 7131.

Muskogee, Indian Territory, November 6, 1903.

Mary E. Gaffney,

Elkhart, Illinois.

Dear Madam:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of your application for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Commissioner in Charge.

M.C.R. 7131.

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,  
Attorneys-at-Law,  
Muskogee, Indian Territory.

Gentlemen:

You are heroby advised that the Commission has this day notified Mary E. Gaffney that she will be allowed thirty days from this date in which to submit further evidence in support of her application for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Commissioner in Charge.

M C R 7131

Muskogee, Indian Territory, March 19, 1904.

Mary E. Gaffney,

Elkhart, Illinois.

Dear Madam:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which your application for identification as a Mississippi Choctaw was made a part, refusing said application.

You are further advised that a copy of such decision has been furnished your attorneys of record, Thomas & Harrison, Muskogee, Indian Territory; that the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted to the Secretary of the Interior for his consideration with such argument and brief as may be submitted by your attorneys.

Respectfully,

Commissioner in Charge.

Registered

M C R 7131

Muskegee, Indian Territory, June 26, 1905.

Mary E. Gaffney,  
Elkhart, Illinois.

Dear Madam:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of the Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 19th day of March, 1904.

Respectfully,

Chairman.

7

No. 7131

## FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

MAR 19 1903

Date

Name

Mary E. Gaffney

Age

27.

Blood

7/8

Post Office,

Elkhart, Ill.

Father:

Montford Harper L

Mother:

~~W~~ Elizabeth " L

Claims through

father

Husband: Peter Gaffney w. L.

(No claim for him)

~~Whitney:~~

Claim for self alone,

Stenographer

C. T. Diffendaffer

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.

*Mary E. Gaffney*

DECISION RENDERED.

MAR 4 1904

COPY OF DECISION FORWARDED  
ATTORNEY FOR CHOCTAW AND  
CHICKASAW NATIONS.

MAR 4 1904

NOTICE OF DECISION MAILED APPLICANT. MAR 19 1904

COPY OF DECISION FORWARDED  
ATTORNEY FOR APPLICANT.

MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED BY  
SECRETARY OF INTERIOR.

MAR 30 1905

NOTICE OF DEPARTMENTAL  
ACTION MAILED APPLICANT.

JUN 26 1905

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANTS

JUN 26 1905

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

JUN 28 1905

5670

Choctaw MCR 7132

Francis C. Acton

MCR 7132

X



#7132

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T. March 19, 1903.

-----

In the matter of the application of Francis C. Acton for the identification of himself as a Mississippi Choctaw.

Appearance: Thomas & Harrison, Attorneys for Applicant.

Francis C. Acton, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Francis C. Acton.  
Q How old are you? A 26.  
Q What is your post office address? A Lincoln, Illinois.  
Q How long have you lived in Lincoln? A 3 years.  
Q Where did you live before that? A I was born in Logan County, Illinois.  
Q You have always lived in Illinois? A Yes, sir.  
Q What is your father's name? A James W. Acton.  
Q Is he living? A Yes, sir.  
Q What is your mother's name? A Annie Acton.  
Q Is she living? A Yes, sir.  
Q Through which parent do you claim your Choctaw blood? A My mother.  
Q How much Choctaw blood do you claim? A 1/8.  
Q Has your mother, through whom you claim the right to identification as a Mississippi Choctaw, ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States? A No, sir.  
Q Through which one of her parents does your mother derive her Choctaw blood? A Her father.  
Q What is his name? A Baldwin C. Harper.  
Q Is he living? A No, sir.  
Q How old would Baldwin Harper be if now living? A 94 or 5--I don't know exactly.  
Q Do you know through which one of his parents Baldwin Harper claimed his Choctaw blood? A I have heard from my parents that it was through his father and mother.  
Q What was his father's name? A Charles Harper.  
Q That is your great-grandfather? A Yes.  
Q What was the name of Charles Harper's wife? A I don't know.  
Q Do you know if she had any Choctaw blood? A She was a full blood.  
Q Are you sure about that? A No, sir, I am not.  
Q Are you able to trace your ancestry any further back than Charles Harper and his wife? A No, sir.  
Q Are you married? A Yes, sir.  
Q What is the name of your wife? A Nannie Z. Acton.  
Q Is she living? A Yes, sir.  
Q Is she a white woman? A Yes.

Francis C. Acton -----2.

- Q She claims no Choctaw blood? A No, sir.
- Q You make no claim for her? A No.
- Q Have you any minor children for whom you wish to make application? A No, sir.
- Q This application is for yourself alone? A Yes, sir.
- Q Is your name to be found on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
- Q Did you ever make application to the Choctaw tribal authorities to be enrolled as a member of that tribe of Indians? A No, sir.
- Q Did you make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No, sir.
- Q Is this the first application of any description for citizenship in the Choctaw Nation that you have ever made? A Yes, sir.
- Q Do you appear before the Commission at this time claiming rights in the Choctaw lands in Indian Territory under the provisions of article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand article fourteen of that treaty? A Yes.

Article fourteen reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months after the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Is that the provision of law under which you are claiming the right to identification as a Mississippi Choctaw? A Yes, sir.
- Q What is the name of your Choctaw ancestor through whom you are claiming this right? A Charles Harper and his wife.
- Q Were Charles Harper and his wife living in Mississippi and Alabama in 1830 when this treaty was made? A I don't know.
- Q Were any of your Choctaw ancestors recognized citizens of the Choctaw tribe of Indians at that time? A I don't know.
- Q Did any of your Choctaw ancestors comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A I have heard they have.
- Q How was such compliance made by them? A By going down to Mississippi to enter for their land; that is what I have heard.
- Q You have heard that your Choctaw ancestors went to Mississippi to get land? A They lived in Mississippi.
- Q You have heard that they applied for land? A Yes.
- Q Which one of your ancestors? A Charles Harper

Francis C. Acton -----3.

- Q Do you know if he obtained any land from the government? A No, sir.
- Q Did Charles Harper, or any other Choctaw ancestors of yours, own an improvement in 1830 in what constituted the old Choctaw Nation? A I don't know.
- Q You are not able to give the name of Charles Harper's wife? A No, sir.
- Q But you understand that both he and his wife were full blood Choctaw Indians? A Yes, sir.
- Q Did any of your Choctaw ancestors remove from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, at the time of the removal of the greater portion of the Choctaw Indians between the years 1833 and 1838? A I don't remember if they did. I don't remember anything about that.
- Q Did any of your Choctaw ancestors, within six months after the ratification of the treaty of 1830, go to the agent in Mississippi at that time and tell him they intended to stay in the old Choctaw Nation, take land there and become citizens of the states? A I don't know.
- Q Did you ever hear that Charles Harper or his wife went to the Indian Agent in Mississippi directly after the treaty of 1830 was ratified and told him that they wanted to stay in Mississippi and take land there? A I have heard so.
- Q Did they secure this land? A I don't know.
- Q If they did you don't know if they lived on it for five years or not? A No.
- Q Where was Charles Harper born? A I don't know.
- Q Do you know whether he was born in Mississippi? A No.
- Q Do you know where his wife was born? A No.
- Q Where was your grandfather, Baldwin Harper, born? A In Kentucky.
- Q Your great-grandfather, Charles Harper, and his wife, removed from Mississippi to Kentucky? A Yes.
- Q Did any of your Choctaw ancestors ever claim or receive any land in Mississippi from the government under the provisions of article fourteen of the treaty of 1830? A I don't know.
- Q Do you know whether or not Charles Harper or his wife had Choctaw Indian names? A No, sir.
- Q You never heard they had? A It seems to me like I never heard anything about that.

In accordance with the provisions of article fourteen of the treaty of 1830 the government directed an agent in Mississippi at that time to register the names of all those Choctaws who might desire to remain in the old Choctaw Nation, take land there and comply with the provisions of that article. The records of the government show that this agent failed to register and report the names of a great many Choctaws who really did signify to him their intention to remain in the old Choctaw Nation, take land there and become citizens of the states. On this account, in many instances, the lands on which these Indians lived and had improvements, and which they desired to have reserved for them, were sold by the government at its public land sales and the Indians deprived of their land. This caused much complaint among the Choctaws and the matter was finally brought to the attention of Congress, and Congress, by acts passed March 3, 1837, and August 23, 1842, appointed

Francis C. Acton -----4.

Commissions whose duty it was to go to Mississippi and investigate these claims.

- Q Did any of your Choctaw ancestors appear before either of these Commissions appointed in 1837 or in 1842, and attempt to establish their rights under the provisions of article fourteen of the treaty of 1830? A I don't know.
- Q I think you testified that your grandfather, Baldwin Harper, was born in Kentucky? A Yes, sir.
- Q And that he would be over 90 if living? A Yes, sir.
- Q Then your Choctaw ancestors, Charles Harper and his wife must have removed from Mississippi to Kentucky long prior to 1830, did they not? A I think they did live in Kentucky before 1830, but they went back to Mississippi.
- Q You have understood that Charles Harper and his wife were living in Kentucky at the time this treaty was made and went to Mississippi? A Yes, sir. It seems like that is the way of it.
- Q You have no personal knowledge whether that land they tried to get in Mississippi was under the provisions of article fourteen of the treaty of 1830? A I don't know.

The act of Congress approved August 23, 1842, provided, that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article fourteen of the treaty of 1830, but that his land had been sold by the government, he should be entitled to select land elsewhere in the states of Mississippi, Alabama, Louisiana, or Arkansas, to be taken from vacant government land, and that a certificate to that effect should be given him. These certificates were called scrip.

- Q Did any of your Choctaw ancestors receive any such scrip from the government under that act of Congress? A I don't know.
- Q So far as you know, have any of your Choctaw ancestors ever been recognized members of the Choctaw tribe of Indians? A I don't know.
- Q So far as you know, did they ever receive any benefits from the United States government as Choctaw Indians? A I don't know.
- Q Have you any witnesses? A Not to-day.
- Q Have you any documentary evidence to present? A No.
- Q Was Baldwin Harper married more than once? A Yes.
- Q What was the name of his second wife? A Parmelia Cartmel.
- Q Was she a white woman? A Yes, sir.
- Q She claimed no Choctaw blood? A No.
- Q Your mother, Annie Acton, was a daughter of Baldwin Harper? A Yes, sir.
- Q By his second wife? A Yes, sir.
- Q Have you any evidence of this marriage with you? A Yes, sir.

Applicant offers in evidence affidavit of Elizabeth C. Harper, which is filed, marked Exhibit "A", and also affidavit of Levi Cassity, marked Exhibit "B", which are made a part of the records in this case.

- Q You are not able to present the original marriage license and certificate of your grand-parents at this time, or a certified copy? A The records were burned when the court house was burnt.
- Q And these affidavits you present are the best evidence you can introduce? A Yes, sir.
- Q Do you speak the Choctaw language? A No.

Francis C. Acton -----6.

Q Do you desire time in which to present further evidence? A Yes.

You will be allowed thirty days from the date of this application within which to introduce additional evidence in support of the claim you now make to identification as a Mississippi Choctaw.

Q Are there any further statements you desire to make? A No.

Q Have any of your relatives appeared before the Commission recently to make application? A Yes/

Q Give their names? A John Harper, my uncle, and William Harper, and Eveline Kerwood.

Q What relation is Eveline Kerwood to you? A My aunt.

Q And other relatives of yours have appeared here claiming through the same common ancestor? A Yes, sir.

Q You desire your case considered with their's? A Yes, sir.

Applicant has the appearance of being a white man; shows no indication of possessing Choctaw blood; light complexion, light hair; has no knowledge of any compliance on the part of his Choctaw ancestors with the provisions of article fourteen of the treaty of 1830.

-----  
R. B. Eisenberg, being first duly sworn, states on his oath, that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on the 19th day of March, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings had on said date.

*R. B. Eisenberg*

Subscribed and sworn to before me this 19th day of May, 1903.

*Charles H. Sawyer*  
Notary Public.

M C R 7132

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,

Attorneys-at-Law,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission has this day notified Francis C. Aston that he will be allowed thirty days from this date in which to submit further evidence in support of his application for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M C R 7132

Muskogee, Indian Territory, November 6, 1903.

Francis C. Acton,  
Lincoln, Illinois.

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of your application for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.



M C R 7132

Muskogee, Indian Territory, March 19, 1904.

Francois C. Acton,  
Lincoln, Illinois.

Dear Sir:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which your application for identification as a Mississippi Choctaw was made a part, refusing said application.

You are further advised that a copy of such decision has been furnished your attorneys of record, Thomas & Harrison, Muskogee Indian Territory; that the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted to the Secretary of the Interior for his consideration with such argument and brief as may be submitted by your attorneys.

Respectfully,

Registered

Commissioner in Charge.



M C R 7132

Muskegee, Indian Territory, June 26, 1905.

Francois C. Acton,  
Lincoln, Illinois.

Dear Sir:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 19th day of March, 1904.

Respectfully,

Chairman.

~~100~~  
8

No. 7132

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 19 1903

Name Francis C. Acton

Age 26 Blood 1/8

Post Office, Lincoln, Ill

Father: James W. Acton L

Mother: Annie L

Claims through Mother,

Wife Nannie J. Acton w. L

(No claim for her,

Children.

(Claims for self done,

Stenographer R. Steinberg

**REFUSED**

R. 71

**FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.**

*Francis B. Acton*

DECISION RENDERED.

MAR 3 1904

COPY

ATTORNEY

CHICKASAW NATIONS

MAR 11 1904

NOTICE OF DECISION MAILED APPLICANT. MAR 19 1904

COPY OF DECISION FORWARDED  
ATTORNEY FOR APPLICANT.

MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

**ACTION APPROVED BY  
SECRETARY OF INTERIOR**

MAR 30 1905

NOTICE OF DEPARTMENTAL  
ACTION MAILED APPLICANT.

JUN 26 1905

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT.

JUN 26 1905

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

JUN 26 1905

5670

Choctaw MCR 7133

Loretto G. Rickards

MCR 7133

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T. March 19, 1903.

-----  
In the matter of the application of Lorette G. Rickords  
for the identification of herself and minor child, Geraldine M. E.  
Rickords, as Mississippi Choctaws.

Appearance: Thomas & Harrison, Attorneys for Applicant.

Lorette G. Rickords, being first duly sworn, testified as  
follows:

Examination by the Commission:

- Q What is your name? A Lorette G. Rickords.  
Q How old are you? A Twenty-four.  
Q What is your post office address? A Broadwell, Illinois.  
Q Were you born in Illinois? A Yes, sir.  
Q You have always lived in that state? A Yes, sir.  
Q What is your father's name? A Mountford M. Harper,  
Q Is he living? A Yes, sir.  
Q What is your mother's name? A Elizabeth.  
Q Is she living? A Yes, sir.  
Q Through which parent do you claim your right to identification as  
a Mississippi Choctaw? A My father.  
Q How much Choctaw blood do you claim? A 1/8.  
Q Has your father, through whom you claim the right to identifica-  
tion ever been recognized or enrolled as a member of the Choctaw  
tribe of Indians by the Choctaw tribal authorities or the au-  
thorities of the United States? A No, sir.  
Q Through which one of his parents does your father derive his  
Choctaw blood? A His father.  
Q What was his name? A Samuel Harper.  
Q What was the name of Samuel Harper's wife? A Mary Ann Cartwell.  
Q Was she a white woman? A Yes.  
Q She claimed no Choctaw blood? A No.  
Q How old is your father at this time? A 58 I think.  
Q Is Samuel Harper living? A No.  
Q Do you know how old he would be if living? A About 83 I think.  
Q Through which parent did Samuel Harper claim? A His father.  
Q What was his name? A Charles Harper.  
Q Charles Harper then was your great-grandfather? A Yes.  
Q Do you claim anything through Charles Harper's wife? A I don't  
know whether she had any Choctaw blood or not.  
Q How much Choctaw blood did Charles Harper have? A They claim  
he was a full blood.  
Q Are you married? A Yes, sir.  
Q What is your husband's name? A Spencer S. Rickords.  
Q Is he living? A Yes, sir.  
Q Is he a white man? A Yes.  
Q He claims no Choctaw blood? A No.  
Q You make no claim for him? A No, sir.  
Q Have you any minor children for whom you wish to make applica-  
tion? A One.  
Q What is its name and age? A Geraldine M. E. Rickords, one  
year old.  
Q This application then is for yourself and minor child? A Yes.

Loretto G. Rickords -----2.

- Q You are the mother of this child? A Yes, sir.  
Q And Spencer S. Rickords is the father? A Yes, sir.  
Q Does this child claim its Choctaw blood through you? A Yes.  
Q Is your name or the name of this child to be found on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.  
Q Did you, or did any one for you or for this child ever make application to the Choctaw tribal authorities to be enrolled as members of that tribe of Indians? A No.  
Q Did you, or did any one for you, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No.  
Q Is this the first application of any description for citizenship or enrollment in the Choctaw Nation that has ever been made by you or on your behalf? A Yes, sir.  
Q Do you appear before the Commission at this time claiming rights in the Choctaw lands in Indian Territory under the provisions of article fourteen of the treaty of 1830? A Yes, sir.  
Q Do you understand article fourteen of that treaty? A Yes, sir.

Article fourteen reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months after the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six-hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent; If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simply shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Is that the provision of law under which you are claiming the right to identification as a Mississippi Choctaw? A Yes.  
Q What is the name of your Choctaw ancestor through whom you claim the right to identification? A Charles Harper.  
Q Did any of your Choctaw ancestors comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A I don't know.  
Q Were any of your Choctaw ancestors living in Mississippi or Alabama at that time? A I don't know.  
Q Were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians at that time? A I don't know.  
Q Did any of your Choctaw ancestors own an improvement in 1830 in what constituted the old Choctaw Nation in Mississippi and Alabama? A I don't know.  
Q Did any of your Choctaw ancestors remove from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, In-

Loretto G. Rickords -----3.

dian Territory, at the time of the removal of the greater portion of the Choctaw Indians between the years 1833 and 1838? A I don't know.

- Q Did any of your Choctaw ancestors, within six months after the ratification of the treaty of 1830, signify to the Agent in Mississippi at that time an intention to remain in the old Choctaw Nation, take land there and become citizens of the states? A I don't know.

In accordance with the provisions of article fourteen of the treaty of 1830 the government directed an Agent in Mississippi to register the names of all those Choctaws who might desire to remain in Mississippi and comply with the provisions of that article. The records of the government show that this Agent failed to register and report the names of a great many Choctaws who really did signify to him their intention to remain in the old Choctaw Nation, take land there and become citizens of the states. On this account, in many instances, the lands on which these Indians lived and had improvements, and which they desired to have reserved for them, were sold by the government at its public land sales and the Indians deprived of their land. This caused much complaint among the Choctaws and the matter was finally brought to the attention of Congress, and Congress, by acts passed March 3, 1837 and August 23, 1842, appointed Commissions whose duty it was to go to Mississippi and investigate these claims.

- Q Did any of your Choctaw ancestors appear before either of these Commissions appointed in 1837 or in 1842 and attempt to establish their rights under the provisions of article fourteen of the treaty of 1830? A I don't know.

The act of Congress approved August 23, 1842, provided, that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article fourteen of the treaty of 1830, but that his land had been sold by the government, he should be entitled to select land elsewhere in the states of Mississippi, Alabama, Louisiana, or Arkansas, to be taken from vacant government land, and that a certificate to that effect should be given him. These certificates were called scrip.

- Q Did any of your Choctaw ancestors receive any such scrip from the government under that act of Congress? A I don't know.  
Q So far as you know have any of your Choctaw ancestors ever been recognized members of the Choctaw tribe of Indians? A I don't know.  
Q Have any of them ever received benefits from the United States government as Choctaw Indians? A No, sir.  
Q Have you any witnesses to call? A No.  
Q Have you any documentary evidence to present? A No.  
Q Do you desire time in which to introduce further evidence? A Yes.

You will be allowed thirty days from the date of this application within which to introduce additional evidence in support of the claim which you now make for identification as a Mississippi Choctaw.

Loretto G. Rickors -----4.

- Q Do you speak or understand the Choctaw language? A No.  
Q Are there any further statements you wish to make? A No.

Applicant has the appearance of being a white person; shows no indication of possessing Choctaw blood; light complexion, blue eyes, brown hair; has no knowledge of any compliance on the part of her Choctaw ancestors with the provisions of article fourteen of the treaty of 1830.

- 
- Q Your daughter, Mary E. Gaffney, has appeared before the Commission and made application for identification as a Mississippi Choctaw? A Yes, sir.  
Q Also other relatives of yours have appeared? A Yes, sir.  
Q Do you desire your case considered with theirs? A Yes, sir.

-----

R. B. Eisenberg, being first duly sworn, states on his oath, that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the proceedings had in the above entitled cause on the 19th day of March, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings had on said date.

*R. B. Eisenberg*

Subscribed and sworn to before me this 19th day of May, 1903.

*Charles H. Saeper*  
Notary Public.



M C R 7131  
M C R 7133

Muskogee, Indian Territory, April 28, 1903.

Thomas & Harrison,  
Attorneys at Law,  
Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 24th instant, enclosing certificate of the Clerk of Logan county, Illinois, relative to the marriage of Spencer S. Rickord and Loretta G. Harper, offered in support of the application made by Loretta G. Rickords for the identification of herself and minor child as Mississippi Choctaws.

Also certificate of the Clerk of Logan county, Illinois, relative to the marriage of Peter Gaffney and Mary Ellen Harper, offered in support of the application made by Mary E. Gaffney for identification as a Mississippi Choctaw.

The above mentioned documents have been filed with the record in the respective cases.

Respectfully,

Chairman.

M.C.R. 7133.

Muskogee, Indian Territory, November 6, 1903.

Loretto G. Richards,

Broadwell, Illinois.

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of yourself and minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Commissioner in Charge.

M.C.R. 7133.

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,

Attorneys-at-Law,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission has this day notified Loretto G. Rickards that he will be allowed thirty days from this date in which to submit further evidence in support of the application of himself and minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Commissioner in charge.

M C R 7133

Muskogee, Indian Territory, March 19, 1904.

Lorette G. Rickards,  
Broadwell, Illinois.

Dear Madam:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which the application made by you for the identification as Mississippi Choctaws of yourself and your minor child, Geraldine M. E. Rickards, was made a part, refusing said application.

You are further advised that a copy of such decision has been furnished your attorneys of record, Thomas & Harrison, Muskogee, Indian Territory; that the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted to the Secretary of the Interior for his consideration with such argument and brief as may be submitted by your attorneys.

Respectfully,

Registered

Commissioner in Charge.

N C R 7133

Muskogee, Indian Territory, June 26, 1905.

Lurette G. Rickords,  
Broadwell, Illinois.

Dear Madam:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of the Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chamber, et al., of which decision you were advised by registered mail on the 19th day of March, 1904.

Respectfully,

Chairman.

2

No.

7133

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 19 1902

Name

Loretta S. Rickords

Age

24.

Blood

$\frac{1}{8}$

Post Office,

Broadwell, Ill.

Father:

Montford M. Hopewell

Mother:

Elizabeth

Claims through

father

Husband:

Spencer S. Rickords with  
(No claim for him)

Children:

Geraldine M. S. Rickords, 1.

(Claims for self - one minor  
child)

Stenographer

R. B. Hessing

200000  
DECISION RENDERED.

MAR 4 1904

COPY OF DECISION FORWARDED  
ATTORNEYS FOR CHOCTAW AND  
CHICKASAW NATIONS

MAR 4 1904

COPY OF DECISION FORWARDED  
ATTORNEY FOR APPLICANT.

MAR 19 1904

COPY OF DECISION FORWARDED  
ATTORNEY FOR APPLICANT.

MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED BY  
SECRETARY OF INTERIOR.

MAR 30 1905

NOTICE OF DEPARTMENTAL  
ACTION MAILED APPLICANT.

JUN 26 1905

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT.

JUN 26 1905

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

JUN 26 1905

REFER TO M. C. R. 3670

Choctaw MCR 7134

Annie Acton

MCR 7134



#7134.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskegee, Indian Territory, March  
19th, 1903.

In the matter of the application of Annie Acton for the identification of herself and minor child, Artie Acton, as Mississippi Choctaws.

Appearance: Thomas & Harrison, Attorneys for Applicant.

Annie Acton, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Annie Acton.  
Q How old are you? A 54.  
Q What is your post office address? A Mt. Pulaski, Illinois.  
Q Were you born in Illinois? A Yes, sir.  
Q You have lived there all your life? A Yes, sir.  
Q What is your father's name? A Baldwin Harper.  
Q Is he living? A No, sir.  
Q What is your mother's name? A Parmelia Harper.  
Q Is she living? A No, sir.  
Q Through which parent do you claim your Choctaw blood? A My father.  
Q How much Choctaw blood do you claim? A One-fourth.  
Q How old would Baldwin Harper be if living now? A About 90.  
Q Through which parent did Baldwin Harper derive his Choctaw blood? A Through his father.  
Q What was his name? A Charles Harper.  
Q How much Choctaw blood did Charles Harper have? A I don't know.  
Q Do you know the name of Charles Harper's wife? A No.  
Q Do you know whether or not she was an Indian? A No.  
Q You claim your descent from Charles Harper? A Yes, sir.  
Q When did Charles Harper die? A I don't know as I could tell you.  
Q Just about when did he die? A I don't know.  
Q Did he die after your birth? A No.  
Q Did he die subsequent to the treaty of 1830? A I don't know.  
Q Where was your father, Baldwin Harper, born? A In Kentucky.  
Q Did he live in Kentucky all his life? A No, he moved to Illinois.  
Q And died in Illinois? A Yes, sir.  
Q Are you married? A Yes, sir.  
Q What is your husband's name? A James W. Acton.  
Q Is he living? A Yes, sir.  
Q Is he a white man? A Yes, sir.  
Q He claims no Choctaw blood? A No.  
Q You make no claim for him? A No.  
Q Have you any minor children for whom you wish to make application? A Yes, one.  
Q What is its name and age? A Artie, 17 years old.  
Q This application then is for yourself and one minor child? A Yes, sir.

Annie Acton -----2.

- Q You are the mother of this child? A Yes, sir.  
Q And James W. Acton is the father? A Yes, sir.  
Q This child claims its Choctaw blood through you? A Yes, sir.  
Q Is your name or is the name of this child to be found on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.  
Q Did you or did any one for you, or for this minor child, ever make application to the Choctaw tribal authorities to be enrolled as members of that tribe of Indians? A No, sir.  
Q Did you, or did any one for you, or for your minor child, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No, sir.  
Q Is this the first application of any description for citizenship or enrollment in the Choctaw Nation that has ever been made on your behalf or on behalf of this minor child? A Yes, sir.  
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and minor child under the provisions of article fourteen of the treaty of 1830? A Yes, sir.  
Q Do you understand article fourteen of that treaty? A Yes, sir.

Article fourteen reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months after the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six-hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Is that the provision of law under which you are now claiming the right to identification as a Mississippi Choctaw? A Yes, sir.  
Q What is the name of your Choctaw ancestor through whom you claim the right to identification as such? A Charles Harper.  
Q Was Charles Harper, or were any other of your Choctaw ancestors living in the old Choctaw Nation in 1830 when this treaty was made? A I don't know.  
Q Did any of your Choctaw ancestors comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A I don't know.  
Q Did any of your Choctaw ancestors own an improvement on land in Mississippi in 1830 when this treaty was made? A I don't know.  
Q Were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians at that time? A I don't know.

Annie Acton -----3.

- Q Did any of your Choctaw ancestors remove from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, at the time of the removal of the greater portion of the Choctaw Indians between the years 1833 and 1838? A No.
- Q Did any of your Choctaw ancestors, within six months after the ratification of the treaty of 1830, signify to the Agent in Mississippi at that time an intention to remain in the old Choctaw Nation, take land there and become citizens of the states? A I don't know.

In accordance with the provisions of article fourteen of the treaty of 1830, the government directed an agent in Mississippi to register the names of all those Choctaws who might desire to remain in the old Choctaw Nation and comply with the provisions of that article. The records of the government show that this agent failed to register and report the names of a great many Choctaws who really did signify to him their intention to remain in the old Choctaw Nation, take land there and become citizens of the states. On this account, in many instances, the lands on which these Indians lived and had improvements and which they desired to have reserved for them, were sold by the government at its public land sales, and the Indians deprived of their land. This caused much complaint among the Choctaws and the matter was finally brought to the attention of Congress, and Congress, by acts passed March 3, 1837, and August 23, 1842, appointed Commissions whose duty it was to go to Mississippi and investigate these claims.

- Q Did any of your Choctaw ancestors appear before either of these Commission appointed in 1837 and in 1842 and attempt to establish their rights under the provisions of article fourteen of the treaty of 1830? A I don't know.

The act of Congress approved August 23, 1842, provided, that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article fourteen of the treaty of 1830, but that his land had been sold by the government at its public land sales, he should be entitled to select land elsewhere in the states of Mississippi, Alabama, Louisiana, or Arkansas, to be taken from vacant government land, and that a certificate to that effect should be given him. These certificates were called scrip.

- Q Did any of your Choctaw ancestors receive any such scrip from the government under that act of Congress? A No.
- Q So far as you know have any of your Choctaw ancestors ever been recognised members of the Choctaw tribe of Indians? A No.
- Q Have any of them ever received benefits from the United States government as Choctaw Indians? A I don't know.
- Q Have you any witnesses you wish to call? A No.
- Q Have you any documentary evidence? A No.
- Q Do you desire time in which to present further evidence in support of your claim? A Yes, sir.

Thirty days time from this date will be allowed you in which to introduce additional evidence in support of the claim which you now make.

- Q Do you speak or understand the Choctaw language? A No.
- Q Are there any further statements you desire to make? A No.

Annie Acton -----4.

- Q Your son, Francis C. Acton has appeared before the Commission to-day? A Yes, sir.
- Q Also other relatives of yours claiming through the same common ancestor? A Yes, sir.
- Q Do you desire your case considered with theirs? A Yes, sir.
- Q Are you any relation to Eveline Kerwood? A She is my half-sister.

This applicant has the appearance of being a white person; shows no indication of possessing Choctaw blood; has dark complexion, blue eyes, brown hair; has no knowledge of any compliance on the part of her Choctaw ancestors with the provisions of article fourteen of the treaty of 1830.

-----

R. B. Eisenberg, being first duly sworn, states on his oath, that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on the 19th day of March, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings had on said date.

*R. B. Eisenberg*

Subscribed and sworn to before me this 19th day of May, 1903.

*Charles H. Sawyer*  
Notary Public.

M C R  
7134-6510-6520  
7128-6767.

Muskogee, Indian Territory, April 24, 1903.

Thomas & Harrison,  
Attorneys at Law,  
Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 29th instant, enclosing certified copy of marriage license and certificate between James W. Acton and Annie Harper, offered in support of the application made by Annie Acton for the identification of herself and minor child as Mississippi Choctaws.

Also the affidavits of Mary E. Hickman and William H. Rigdon, offered in support of the application made by Annie Acton for the identification of herself and minor child as Mississippi Choctaws.

Also certified copy of marriage certificate between Isaac D. Yocum and Laura Duff, offered in support of the application made by Laura Yocum for the identification of herself and minor children as Mississippi Choctaws.

Also certified copy of marriage certificate between John W. Horton and Alice Duff, offered in support of the application made by Alice D. Horton for the identification of herself and minor child as Mississippi Choctaws.

T & H 2

Also certified copy of marriage certificate between James L. Turley and Emma D. Cheatham, offered in support of the application made by Emma Turley for the identification of herself and minor child as Mississippi Choctaws.

Also certified copy of marriage record between Albert Morris and Hattie Cheatham, offered in support of the application made by Hattie Morris for the identification of herself and minor child as Mississippi Choctaws.

The above mentioned documents have been filed in the respective cases.

Respectfully,

Chairman.

M C R 7134  
7297-7270-6644  
6602-6770

Muskogee, Indian Territory, April 28, 1903.

Thomas & Harrison,

Attorneys at Law,

Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 24th instant, enclosing the following:

Joint affidavit of Jas H. Trimble, J. P. Hoffman, Sallie Hoffman, E. H. McCormick and N. A. McCormick, offered in support of the Mississippi Choctaw case of Nancy Thompson, et al.

Affidavit of Mrs. May Putnam, offered in support of the Mississippi Choctaw case of Mrs. May Putnam, et al.

Certified copy of marriage license between Miles H. Baldwin and L. J. Johnson, offered in support of the Mississippi Choctaw case of Lovie J. Baldwin, et al.

Affidavit of Mrs. Emma V. Hanson, offered in support of the Mississippi Choctaw case of Victor H. McCarriek; also affidavit of Mrs. S. Crary offered in support of the same case.

Marriage license and certificate between George M. Fields and Sarah Johnson, offered in support of the Mississippi Choctaw case of Sarah C. Fields, et al.

Joint affidavit of C. R. Oglesby and A. H. Rigdon, offer-



T & H 2

ed in support of the Mississippi Chastaw case of Annie Aston, et al.

Certified copy of marriage certificate between William Harper and Cassandra Rozelle, offered in support of the Mississippi Chastaw case of Mrs. May Putnam, et al.

The above mentioned documents have been filed with the record in the respective cases.

Respectfully,

Chairman.



M.C.R. 7134

Muskogee, Indian Territory, November 6, 1903.

Annie Acton,

Mount Pulaski, Illinois.

Dear Madam:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of yourself and minor child for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M.C.R. 7134.

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,

Attorneys-at-Law,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission has this day notified Annie Acton that she will be allowed thirty days from this date in which to submit further evidence in support of the application of herself and minor child for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

W.C.P. 7134

Muskogee, Indian Territory, March 19, 1904.

Annie Acton,

Mount Pulaski, Illinois,

Dear Madam:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers et al., of which the application made by you for the identification of yourself and son, Artie Acton, is a part, refusing said application.

You are further advised that a copy of such decision has been furnished your attorneys of record, Thomas & Harrison, Muskogee, Indian Territory; that the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision. At the expiration of that time the record, together with such argument and brief as may be submitted by your attorneys, will be transmitted to the Secretary of the Interior for his consideration.

Respectfully,

Commissioner in Charge.

Registered.

M C R 7134

Muskogee, Indian Territory, June 26, 1905.

Annie Acton,  
Mount Palaski, Illinois.

Dear Madam:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 19th day of March, 1904.

Respectfully,

Chairman.

10

No. 7134

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 19 1903

Name Annie Acton

Age 54 Blood 1/4

Post Office, Mount Pulaski, Ill

Father: Baldwin Harper D.

Mother: Parmelia " D.

Claims through father

Husband: James W. Acton L.  
No claim for him

Children:

Artie Acton, 17

(Claims for self & one minor child)

Stenographer R. B. Eisenberg

CONFIDENTIAL  
A MISSISSIPPI CHOCTAW

Annie Acton, et al

DECISION RENDERED.

MAR 4 1904

COPY OF DECISION FORWARDED  
ATTORNEYS FOR CHOCTAW AND  
CHICKASAW NATIONS

MAR 4 1904

NOTICE OF DECISION FORWARDED  
TO APPLICANT.

MAR 19 1904

COPY OF DECISION FORWARDED  
ATTORNEY FOR APPLICANT.

MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED BY  
SECRETARY OF INTERIOR.

MAR 30 1905

NOTICE OF DEPARTMENTAL  
ACTION MAILED APPLICANT.

JUN 26 1905

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT:

JUN 26 1905

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

JUN 26 1905

M. C. H.

5670

Choctaw MCR 7135

Laura B. Mayer

MCR 7135

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T. March 19, 1903.

-----

In the matter of the application of Laura B. Mayer for the identification of herself and her two minor children, Irene and Marie Mayer, as Mississippi Choctaws.

Appearance: Thomas & Harrison, Attorneys for Applicant.

Laura B. Mayer, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Laura B. Mayer.  
Q How old are you? A Twenty-nine.  
Q What is your post office address? A Mt. Pulaski, Illinois.  
Q Were you born in Illinois? A Yes, sir.  
Q You have always lived in that state? A Yes, sir.  
Q What is your father's name? A James W. Acton.  
Q Is he living? A Yes, sir.  
Q What is your mother's name? A Annie Acton.  
Q Is she living? A Yes, sir.  
Q You claim your Choctaw blood through your mother? A Yes.  
Q How much Choctaw blood do you claim? A One-eighth.  
Q Has your mother, through whom you claim the right to identification as a Mississippi Choctaw, ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities, the authorities of the United States?  
A No, sir.  
Q Your mother has made application to-day to be identified as a Mississippi Choctaw, has she not? A Yes, sir.  
Q Through which one of her parents does your mother derive her Choctaw blood? A Her father.  
Q What is his name? A Baldwin Harper.  
Q Do you know where he was born? A No.  
Q Do you know how old he would be if now living? A No, about 90 I guess.  
Q What is the name of his wife? A Parmelia.  
Q She is a white woman and claims no Choctaw blood? A No.  
Q Through which one of his parents did Baldwin Harper claim his Choctaw blood? A His father, Charles Harper.  
Q That was your great-grandfather? A Yes, sir.  
Q Do you know the name of Charles Harper's wife? A No.  
Q Do you know whether she possessed any Choctaw blood? A I think not.  
Q Are you married? A Yes, sir.  
Q What is your husband's name? A Fred G. Mayer.  
Q Is he a white man? A Yes, sir.  
Q He claims no Choctaw blood? A No, sir.  
Q You make no claim for him? A No, sir.  
Q Have you any minor children for whom you wish to make application? A Yes, sir, two.



Laura B. Mayer ----2.

- Q What are their names and ages? A Irene, 8; and Marie, 6.
- Q This application then is for yourself and two minor children?
- A Yes, sir.
- Q You are the mother of these children? A Yes.
- Q And Fred G. Mayer is the father? A Yes.
- Q These children claim their Choctaw blood through you? A Yes.
- Q Is your name, or are the names of either of these minor children, to be found on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
- Q Did you, or did any one for you, or for your minor children, ever make application to the Choctaw tribal authorities to be enrolled as members of that tribe of Indians? A No, sir.
- Q Did you, or did any one for you, or for these minor children, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of June 10, 1896? A No, sir.
- Q Is this the first application of any description for citizenship or enrollment that has ever been made by you or on your behalf, or on behalf of these minor children? A Yes, sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and minor children under the provisions of article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand that article? A Yes, sir.

Article fourteen reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months after the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six-hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove shall not be entitled to any portion of the Choctaw annuity."

- Q Is that the provision of law under which you are now claiming the right to identification as a Mississippi Choctaw? A Yes, sir.
- Q What is the name of your Choctaw ancestor through whom you claim the right to identification as such? A Charles Harper.
- Q Did he, or did any of your Choctaw ancestors, comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A I don't know.
- Q Was Charles Harper or any other of your Choctaw ancestors living in the old Choctaw Nation in Mississippi and Alabama when this treaty of 1830 was made? A I don't know.
- Q Was Charles Harper, or any other of your Choctaw ancestors, recognized citizens of the Choctaw Nation at that time? A I don't know.

Laura B. Mayer -----3.

- Q Did any of your Choctaw ancestors own an improvement in 1830 in what constituted the old Choctaw Nation in Mississippi and Alabama? A I don't know.
- Q Did any of your Choctaw ancestors remove from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory at the time of the removal of the greater portion of the Choctaw Indians between the years 1833 and 1838? A I don't know.
- Q Did any of your Choctaw ancestors, within six months after the ratification of the treaty of 1830 signify to the agent in Mississippi at that time an intention to remain in Mississippi, take land there and become citizens of the states? A I don't know.
- Q Did any of your Choctaw ancestors ever claim or receive land from the United States government as Choctaw Indians? A I don't know.

In accordance with the provision of article fourteen of the treaty of 1830, the government directed an agent in Mississippi at that time to register the names of all those Choctaws who might desire to remain in Mississippi and comply with the provisions of that treaty. The records of the government show that this Agent failed to register and report the names of a great many Choctaws who really did signify to him their intention to remain in the old Choctaw Nation, to take land there and become citizens of the states. On this account, in many instances, the lands on which these Indians lived and had improvements, and which they desired to have reserved for them, were sold by the government at its public land sales, and the Indians deprived of their land. This caused much complaint among the Choctaws, and the matter was finally brought to the attention of Congress, and Congress, by acts passed March 3, 1837, and August 23, 1842, appointed Commissions whose duty it was to go to Mississippi and investigate these claims.

- Q Did any of your Choctaw ancestors appear before either of these Commissions appointed in 1837 or in 1842 and attempt to establish their rights under the provisions of article fourteen of the treaty of 1830? A No, sir.

The act of Congress approved August 23, 1842, provided, that in case it should be finally determined that a Choctaw had complied with the provisions of article fourteen of the treaty of 1830, but that his land had been sold by the government, he should be entitled to select land elsewhere in the states of Mississippi, Alabama, Louisiana, or Arkansas, to be taken from vacant government land, and that a certificate to that effect should be given him. These certificates were called scrip.

- Q Did any of your Choctaw ancestors ever receive any such scrip from the government of the United States under that act of Congress? A I don't know.
- Q So far as you know have any of your Choctaw ancestors ever been recognized members of the Choctaw tribe of Indians? A I don't know.
- Q Have they ever receive any benefits from the government as Choctaw Indians? A I don't know.
- Q Have you any witnesses? A No.
- Q Have you any documentary evidence to present? A No.

Laura B. Mayer -----4.

Q Do you desire time in which to present further evidence? A Yes.

Thirty days time from the date of this application will be allowed you within which to introduce additional evidence in support of your claim.

Q Do you speak or understand the Choctaw language? A No, sir.

Q Are there any further statements you wish to make? A No.

Q Your mother, Annie Acton, has just appeared before the Commission? A Yes, sir.

Q Also your brother, and other relatives of yours claiming through the same common ancestor? A Yes, sir.

Q You desire your case considered with theirs? A Yes.

Applicant has the appearance of being a white person; shows no indication of possessing Choctaw Indian blood; has dark complexion, dark brown hair, blue eyes; has no knowledge of any compliance on the part of her Choctaw ancestors with the provisions of article fourteen of the treaty of 1830.

-----  
R. B. Eisenberg, being first duly sworn, states on his oath, that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on the 19th day of March, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings had on said date.

*R. B. Eisenberg*

Subscribed and sworn to before me this 19th day of May, 1903.

*Charles H. Sawyer*  
Notary Public.

M C R 7138  
7137-6737-6742  
6563-6636-6801

Muskogee, Indian Territory, April 27, 1903.

Thomas A. Harrison,  
Attorneys at Law,  
Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 22nd instant, enclosing certificate of marriage between John Watson and Josie Wood, offered in support of the Mississippi Choctaw case of Josie Watson, et al.

Also certified copy of marriage certificate between J. C. B. Duff and Emma Perry, offered in support of the Mississippi Choctaw case of Charles E. Duff, et al.

Also the affidavits of Robinson Collins and Leonard Collins, offered in support of the Mississippi Choctaw case of William H. Wood, et al.

Also joint affidavit of Bettie Wyatt, James H. Trimble, Nellie Hoffman and J. T. Hoffman, offered in support of the Mississippi Choctaw case of Valde P. Jett.

Also certificate of marriage between John Van Amburgh and Emma Wood, offered in support of the Mississippi Choctaw case of Emma Van Amburgh, et al.

Also certificate of the Clerk of Logan County, Illinois,

T & H 2

relative to the marriage of R. T. Harper and Clara B. Koonts, offered in support of the Mississippi Choctaw case of Richard T. Harper, et al.

Also certificate of the Clerk of Logan county, Illinois, relative to the marriage of Fred G. Mayer and Lora B. Acton, offered in support of the Mississippi Choctaw case of Laura B. Mayer, et al.

The above mentioned documents have been filed in the respective cases.

Respectfully,

Chairman.

M C R 7135

Muskogee, Indian Territory, November 6, 1903.

Laura B. Mayer,

Mount Pulaski, Illinois.

Dear Madam:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of yourself and minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M C R 7122-35

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,

Attorneys-at-Law,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission has this day notified Laura B. Mayer that she will be allowed thirty days from this date in which to submit further evidence in support of the application of herself and minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.



Muskogee, Indian Territory, March 19, 1904.

Laura B. Mayer,  
Mount Pulaski, Illinois,

Dear Madam:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which the application made by you for the identification as Mississippi Choctaws of yourself and your two minor children, Irene and Marie Mayer, was made a part, refusing said application.

You are further advised that a copy of such decision has been furnished your attorneys of record, Thomas & Harrison, Muskogee, Indian Territory; that the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted to the Secretary of the Interior for his consideration with such argument and brief as may be submitted by your attorneys of record.

Respectfully,

Registered

Commissioner in Charge.



M C R 7135

Muskegee, Indian Territory, June 26, 1905.

Laura B. Mayer,

Mount Palaski, Illinois.

Dear Madam:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 19th day of March, 1905.

Respectfully,

Chairman.

11

No. 7135

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

MAR 19 1903

Date  
Name *Laura B. Mayer*

Age *29.* Blood *1/8*

Post Office, *Mount Pulaski, Ill*

Father: *James W. Acton L*

Mother: *Annie " L*

Claims through *Mother*

Husband: *Fred G. Mayer L*  
(*No claim for him*)

Children:

*Fred Mayer 8*

*Marie 6*

(*Claims for self - 2 children*)

Stenographer *R. H. [illegible]*

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.

R. 71

*Laura B. Mayer, et*

DECISION RENDERED

MAR 1 1904

COPY OF DECISION FORWARDED  
ATTORNEY FOR APPLICANT AND  
CHIEF OF BUREAU

MAR 4 1904

NOTICE OF DECISION MAILED APPLICANT

MAR 19 1904

COPY OF DECISION FORWARDED  
ATTORNEY FOR APPLICANT.

MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED BY  
SECRETARY OF INTERIOR.

MAR 30 1905

NOTICE OF DEPARTMENTAL  
ACTION MAILED APPLICANT.

JUN 26 1905

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT.

JUN 26 1905

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND MISSISSIPPI LAW NATIONS.

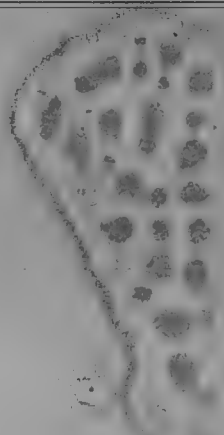
JUN 26 1905

5370

Choctaw MCR 7136

Lee R. Acton

MCR 7136



#7136

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T. March 19, 1903.

-----  
In the matter of the application of Lee R. Acton for the identification of himself as a Mississippi Choctaw.

Appearance: Thomas & Harrison, Attorneys for Applicant.

Lee R. Acton, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Lee R. Acton.  
Q How old are you? A Twenty-three.  
Q What is your post office address? A Springfield, Illinois.  
Q Were you born in Illinois? A Yes, sir.  
Q Have you lived there all your life? A Yes, sir.  
Q What is your father's name? A James W. Acton.  
Q Is he living? A Yes, sir.  
Q What is your mother's name? A Annie Acton.  
Q Is she living? A Yes, sir.  
Q You claim your Choctaw blood through your mother? A Yes, sir.  
Q How much Choctaw blood do you claim? A One-eighth.  
Q Has your mother, through whom you claim the right to identification, ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States? A No, sir.  
Q Your mother has just made application for identification as a Mississippi Choctaw? A Yes, sir.  
Q Through which one of her parents does your mother derive her Choctaw blood? A Her father.  
Q What was her father's name? A Baldwin Harper.  
Q What was her mother's name? A Parmelia Harper.  
Q Parmelia Harper claimed no Choctaw blood? A No.  
Q Through which one of his parents did Baldwin Harper claim his Choctaw blood? A His father, Charles Harper.  
Q You are not able to trace your ancestry any further back than Charles Harper? A No.  
Q Are you married? A No, sir.  
Q You claim for yourself alone? A Yes, sir.  
Q Is your name to be found on any of the tribal rolls of the Choctaw Nation, Indian Territory? A No, sir.  
Q Have you ever made application to the Choctaw tribal authorities in Indian Territory to be enrolled as a member of that tribe of Indians? A No, sir.  
Q Did you make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No, sir.  
Q Is this the first application of any description that you have ever made for citizenship or enrollment in the Choctaw Nation? A Yes, sir.  
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the provisions of article fourteen of the treaty of 1830? A Yes, sir.  
Q Do you understand that article? A Yes, sir.

Article fourteen reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying to the Agent his intention within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Is that the provision of law under which you are claiming the right to identification as a Mississippi Choctaw? A Yes, sir.
- Q What is the name of your Choctaw ancestor through whom you are claiming that right? A Charles Harper.
- Q Your great-grandfather? A Yes, sir.
- Q Did Charles Harper, or any other of your Choctaw ancestors reside in the old Choctaw Nation in Mississippi and Alabama at the time this treaty was made? A I don't know.
- Q Do you know where Charles Harper was born? A No.
- Q Do you know where Baldwin Harper, your grandfather, was born? A No.
- Q Did any of your Choctaw ancestors comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors own an improvement in 1830 in what constituted the old Choctaw Nation in Mississippi and Alabama? A I don't know.
- Q Were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians at that time? A I don't know.
- Q Did any of your Choctaw ancestors remove from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian-Territory, at the time of the removal of the greater portion of the Choctaw Indians between the years 1833 and 1838? A I don't know.
- Q Did any of your Choctaw ancestors, within six months after the ratification of the treaty of 1830, signify to the agent in Mississippi at that time an intention to remain in the old Choctaw Nation, take land there and become citizens of the states? A I don't know.
- Q Did any of your Choctaw ancestors ever claim or receive any land in Mississippi from the government as Choctaw Indians? A I don't know.

In accordance with the provisions of article fourteen of the treaty of 1830, the government directed an agent in Mississippi to register the names of all those Choctaws who might desire to remain in the old Choctaw Nation and comply with the provisions of that article. The records of the government show that this agent failed to register and report the names

Lee R. Acton -----3.

of a great many Choctaws who really did signify to him their intention to remain in the old Choctaw Nation, take land there and become citizens of the states. On this account, in many instances, the lands on which these Indians lived and had improvements, and which they desired to have reserved for them, were sold by the government at its public land sales and the Indians were deprived of their land. This caused much complaint among the Choctaws and the matter was finally brought to the attention of Congress, and Congress, by acts passed March 3, 1837, and August 23, 1842, appointed Commissions whose duty it was to go to Mississippi and investigate these claims.

- Q Did any of your Choctaw ancestors appear before either of these Commissions appointed in 1837 and in 1842, and attempt to establish their rights under the provisions of article fourteen of the treaty of 1830? A I don't know.

The act of Congress approved August 23, 1842, provided, that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article fourteen of the treaty of 1830, but that his land had been sold by the government, he should be entitled to select land elsewhere in the states of Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant government land, and that a certificate to that effect should be given him. These certificates were called scrip.

- Q Did any of your Choctaw ancestors ever receive any such scrip from the government under that act of Congress? A I don't know.  
Q So far as you know, have any of your Choctaw ancestors ever been recognized members of the Choctaw tribe of Indians? A I don't know.  
Q So far as you know, have any of them ever receive benefits from the United States government as Choctaw Indians? A No.  
Q Have you any witnesses? A No.  
Q Have you any documentary evidence? A No.  
Q Do you desire time in which to present further testimony? A Yes.

30 days time will be allowed you from the date of this application for the purpose of introducing additional evidence in support of your claim.

- Q Do you speak or understand the Choctaw language? A No.  
Q Are there any further statements you wish to make? A No.  
Q Your mother, Annie Acton, appeared before the Commission to-day did she not? A Yes, sir.  
Q Also your brother and sisters? A Yes, sir.  
Q Do you wish to have your case considered with theirs? A Yes, sir.  
Q And also those of other relatives claiming under the same common ancestor? A Yes, sir.

Applicant has the appearance of being a white person; shows no indication of being possessed with Indian blood; light complexion, blue eyes, brown hair; has no knowledge of any compliance on the part of his Choctaw ancestors with the provisions of article fourteen of the treaty of 1830.

Lee R. Acton -----4.

R. B. Eisenberg, being first duly sworn, states on his oath that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on the 19th day of March, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings had on said date.

*R. B. Eisenberg*

Subscribed and sworn to before me this 19th day of May, 1903.

*Charles H. Sawyer*  
Notary Public.



Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,

Attorneys-at-Law,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission has this day notified Lee R. Acton that he will be allowed thirty days from this date in which to submit further evidence in support of his application for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M C R 7136

Muskogee, Indian Territory, November 6, 1903.

Lee R. Acton,  
Springfield, Illinois.

Dear Sir:

You are hereby notified that you will be allowed thirty  
days from this date in which to submit further evidence in support  
of your application for identification as a Mississippi Choctaw, and  
at the expiration of said time this Commission will proceed to ren-  
der its decision therein and no further evidence will then be re-  
ceived or extension of time granted.

Respectfully,

Chairman.

M C R 7136

Muskogee, Indian Territory, March 19, 1904.

Lee R. Acton,  
Springfield, Illinois.

Dear Sir:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which your application for identification as a Mississippi Choctaw was made a part, refusing said application.

You are further advised that a copy of such decision has been furnished your attorneys of record, Thomas & Harrison, Muskogee, Indian Territory; that the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted to the Secretary of the Interior for his consideration with such argument and brief as may be submitted by your attorneys.

Respectfully,

Registered.

Commissioner in Charge.

M C R 7136

Muskogee, Indian Territory, June 26, 1905.

Lee R. Acton,

Springfield, Illinois.

Dear Sir:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 19th day of March, 1904.

Respectfully,

Chairman.

17

No. 7136

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 19 1903  
Name Lee R. Acton  
Age 23 Blood 1/8  
Post Office, Springfield Ill  
Father: James W. Acton L  
Mother: Annie L

Claims through mother



Claims for self alone,

Stenographer R. B. Brien

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.

R. 712

*Lee R. Acton*

DECISION RENDERED.

MAR 4 1904

COPY OF DECISION FORWARDED  
ATTORNEY FOR CHOCTAW AND  
CHICKASAW NATIONS.

MAR 4 1904

NOTICE OF DECISION MAILED APPLICANT.

MAR 19 1904

COPY OF DECISION FORWARDED  
ATTORNEY FOR APPLICANT.

MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED BY  
SECRETARY OF INTERIOR.

MAR 30 1905

NOTICE OF DEPARTMENTAL  
ACTION MAILED APPLICANT.

JUN 26 1905

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT.

JUN 26 1905

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

JUN 26 1905

REFER TO M. C. R. 5370

Choctaw MCR 7137

Richard T. Harper

MCR 7137

#7137

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T. March 19, 1903.

-----

In the matter of the application of Richard T. Harper for the identification of himself, his three minor children, Ward, Harry and Loren Harper, and his sister, Mary Harper, as Mississippi Choctaws.

Appearance: Thomas & Harrison, Attorneys for Applicants.

Richard T. Harper, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Richard T. Harper.  
Q How old are you? A Forty-four.  
Q What is your post office address? A Mt. Pulaski, Illinois.  
Q Were you born in Illinois? A Yes, sir.  
Q Have you lived there all your life? A Yes, sir.  
Q What is your father's name? A Baldwin Harper.  
Q Is he living? A No, sir.  
Q What is your mother's name? A Parmelia Harper.  
Q Is she living? A No.  
Q Through which one of your parents do you claim? A My father.  
Q How much Choctaw blood do you claim? A One-fourth.  
Q Has your father, through whom you claim the right to identification, ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States? A I don't know.  
Q Through which one of his parents did your father derive his Choctaw blood? A His father, Charles Harper.  
Q What was his mother's name? A I don't know.  
Q Where was Charles Harper born? A I don't know.  
Q Do you know where your father was born? A In Kentucky.  
Q He moved from Kentucky to Illinois? A Yes, sir.  
Q And lived in Illinois the remainder of his life? A Yes.  
Q Are you married? A Yes, sir.  
Q What is your wife's name? A Clara B. Harper.  
Q Is she a white woman? A Yes.  
Q She has no Choctaw blood? A No.  
Q Is she living? A Yes, sir.  
Q You make no claim for her? A No.  
Q Have you any minor children for whom you wish to make application? A Yes, three.  
Q What are their names and ages? A Ward, 16; Harry, 12; and Loren, 7.  
Q Have you any other person in your family besides yourself and three minor children for whom you wish to apply? A I have a sister.

Applicant here presents letters of conservatorship issued to Richard T. Harper by the County Court of Logan County, Il-



Richard T. Harper -----2.

lincoln, appointing him as conservator for Mary C. Harper, which are filed, marked Exhibit "A", and made a part of the record in this case.

- Q How old is Mary C. Harper? A About 60.
- Q Is Baldwin Harper the father of Mary? A Yes.
- Q And is Parmelia Harper the mother? A Yes, sir.
- Q She claims through the same source as yourself? A Yes.
- Q This application then is for yourself, your three minor children, and your sister? A Yes, sir.
- Q What is the name of the mother of these three children? A Clara B. Harper.
- Q And you are the father? A Yes, sir.
- Q Do these children all live with you at your home? A Yes.
- Q When and where were you married to Clara B. Harper? A In the year 1886, 28th of February.
- Q Were you married under a license? A Yes, sir.
- Q Were you married under a license? A Yes, sir.
- Q Have you your marriage license and certificate with you at this time? A Yes, sir. I will present a certified copy of my certificate this afternoon.
- Q Is your name, or are the names of any of these minor children, or the name of your sister, to be found on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
- Q Did you, or did any one for you or for your minor children or sister, ever make application to the Choctaw tribal authorities to be enrolled as members of that tribe of Indians? A No, sir.
- Q Did you, or did any one for you or for your minor children or sister, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No, sir.
- Q Is this the first application of any description that has ever been made by you or on your behalf or on behalf of your minor children or sister for citizenship or enrollment in the Choctaw Nation? A Yes, sir.
- Q You appear before the Commission at this time claiming rights in the Choctaw lands in Indian Territory for yourself, your three minor children and ~~my~~ sister, under the provisions of article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand that article? A Yes, sir.

Article fourteen reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months after the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be enti-

Richard T. Harper -----3.

tled to any portion of the Choctaw annuity."

- Q Is that the provision of law under which you are claiming the right to identification? A Yes, sir.
- Q What is the name of your Choctaw ancestor through whom you claim these rights? A My grandfather, Charles Harper.
- Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors reside within the limits of the Choctaw Nation in Mississippi and Alabama when this treaty of 1830 was made? A I don't know.
- Q Were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians at that time? A I don't know.
- Q Did any of your Choctaw ancestors own an improvement at that time in what constituted the old Choctaw Nation? A I don't know.
- Q Did any of your Choctaw ancestors remove from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, at the time of the removal of the greater portion of the Choctaw Indians between the years 1833 and 1838? A I don't know.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 signify their intention to the Agent in Mississippi at that time to remain in the old Choctaw Nation, take land there and become citizens of the states? A I don't know.
- Q Did any of your Choctaw ancestors ever claim or receive any land from the United States government under the provisions of article fourteen of the treaty of 1830? A I don't know.

In accordance with the provisions of article fourteen of the treaty of 1830 the government directed an agent in Mississippi at that time to register the names of all those Choctaws who might desire to remain in Mississippi and comply with the provisions of that article. The records of the government show that this Agent failed to register and report the names of a great many Choctaws who really did signify to him an intention to remain in the old Choctaw Nation, take land there and become citizens of the states. On this account, in many instances, the lands on which these Indians lived and had improvements, and which they desired to have reserved for them, were sold by the government at its public land sales, and the Indians deprived of their land. This caused much complaint among the Choctaws and the matter was finally brought to the attention of Congress, and Congress, by acts passed March 3, 1837, and August 23, 1842, appointed Commissions whose duty it was to go to Mississippi and investigate these claims.

- Q Did any of your Choctaw ancestors appear before either of these Commissions appointed in 1837 and in 1842 and attempt to establish their rights under the provisions of article fourteen of the treaty of 1830? A I don't know.

The act of Congress approved August 23, 1842, provided, that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article fourteen of the treaty of 1830, but that his land had been sold by the government, he should be entitled to select land elsewhere in the states of Mississippi, Alabama, Louisiana or Ar-

Richard T. Harper -----4.

kansas, to be taken from vacant government land, and that a certificate to that effect should be given him. These certificates were called scrip.

- Q Did any of your Choctaw ancestors receive any such scrip from the United States government under that act of Congress? A I don't know.
- Q So far as you know, have any of your Choctaw ancestors been recognized members of the Choctaw tribe of Indians? A No, sir.
- Q Have any of them ever received benefits as such? A No.
- Q Have you any witnesses? A No, sir.
- Q Have you any documentary evidence to present? A No.
- Q Do you desire time in which to present further evidence? A Yes.

You will be allowed thirty days from the date of this application within which to introduce additional evidence in support of your claim.

- Q Do you speak or understand the Choctaw language? A No, sir.
- Q Are there any further statements you wish to make? A No.
- Q Your sister, Annie Acton, has appeared before the Commission and made application for identification as a Mississippi Choctaw? A Yes, sir.
- Q And also other relatives of yours have appeared? A Yes, sir.

Applicant has the appearance of being a white man; shows no indication of possessing Choctaw Indian blood; has blue eyes, light complexion, brown hair, sandy mustache; has no knowledge of any compliance on the part of his Choctaw ancestors with the provisions of article fourteen of the treaty of 1830.

R. B. Eisenberg, being first duly sworn, states on his oath that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on the 19th day of March, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings had on said date.

*R. B. Eisenberg*

Subscribed and sworn to before me this 20th day of May, 1903.

*Charles H. Sawyer*

Notary Public.

M C R 7135  
7137-6737-6742  
6563-6636-6601

Muskogee, Indian Territory, April 27, 1903.

Thomas & Harrison,  
Attorneys at Law,  
Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 22nd instant, enclosing certificate of marriage between John Watson and Jessie Wood, offered in support of the Mississippi Choctaw case of Jessie Watson, et al.

Also certified copy of marriage certificate between J. C. B. Duff and Emma Perry, offered in support of the Mississippi Choctaw case of Charles E. Duff, et al.

Also the affidavits of Edison Collins and Leonard Collins, offered in support of the Mississippi Choctaw case of William H. Wood, et al.

Also joint affidavit of Bettie Wyatt, James H. Trinkle, Sallie Hoffman and J. T. Hoffman, offered in support of the Mississippi Choctaw case of Wade P. Jett.

Also certificate of marriage between John Van Adburgh and Joanna Wood, offered in support of the Mississippi Choctaw case of Joanna Van Adburgh, et al.

Also certificate of the Clerk of Logan County, Illinois,

T A H 2

relative to the marriage of R. T. Harper and Clara B. Koonts, offered in support of the Mississippi Choctaw case of Richard T. Harper, et al.

Also certificate of the Clerk of Logan county, Illinois, relative to the marriage of Fred G. Mayer and Lerna B. Acton, offered in support of the Mississippi Choctaw case of Laura B. Mayer, et al.

The above mentioned documents have been filed in the respective cases.

Respectfully,

Chairman.

M C R 7137

Muskogee, Indian Territory, November 6, 1903.

Richard T. Harper,  
Mount Pulaski, Illinois.

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of yourself and minor child for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M C R 7137

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,

Attorneys-at-Law,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission has this day notified Richard T. Harper that he will be allowed thirty days from this date in which to submit further evidence in support of the application of himself and minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

Muskogee, Indian Territory, March 19, 1904.

Richard T. Harper,

Mount Pulaski, Illinois,

Dear Sir:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers et al., of which the application made by you for the identification of yourself, your children, Ward, Harry, and Loren Harper, and your sister, Mary C. Harper, as Mississippi Choctaws, was made a part, refusing said application.

You are further advised that a copy of said decision has been furnished your attorneys of record, Thomas & Harrison, Muskogee, Indian Territory; that the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision. At the expiration of that time the record, together with such argument and brief as may be submitted by your attorneys, will be transmitted to the Secretary of the Interior for his consideration.

Respectfully,

Commissioner in Charge.

Registered,



M C R 7137

Muskogee, Indian Territory, June 26, 1905.

Richard T. Harper,  
Mount Palaski, Illinois.

Dear Sir:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 19th day of March, 1904.

Respectfully,

Chairman.

18

No.

7137

# FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 19 1903

Name *Richard T. Harper*

Age *44* Blood *W*

Post Office, *Mount Pulaski Ill*

Father: *Baldwin C. Harper D*

Mother: *Parnotia D*

Claims through *father*

~~Wife:~~ *Clara B. Harper D*  
*(No claim for her)*

Children:

*Ward Harper 16*

*Harry " 12*

*Loren " 7*

Sister

*Mary C. Harper 60*

*(Parents same as those of applicant)*

Stenographer

*R. B. Leisler*

FOR IDENTIFICATION  
A MISSISSIPPI CHOCTAW.

R. 713

*Richard J. Harper, et al.*

DECISION RENDERED.

MAR 4 1904

COPY OF DECISION FORWARDED  
ATTORNEYS FOR CHOCTAW AND  
CHICKASAW NATIONS.

MAR 7 1904

NOTICE OF DECISION MAILED APPLICANT

MAR 19 1904

COPY OF DECISION FORWARDED  
ATTORNEY FOR APPLICANT.

MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED BY  
SECRETARY OF INTERIOR.

MAR 30 1905

NOTICE OF DEPARTMENTAL  
ACTION MAILED APPLICANT.

JUN 26 1905

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT.

JUN 26 1905

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

JUN 26 1905

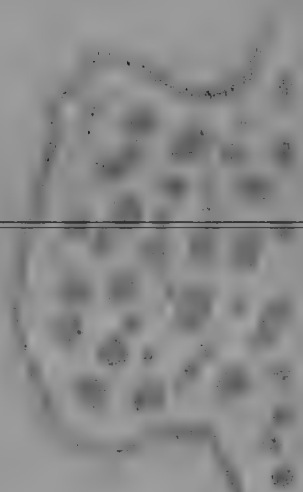
RECEIVED M. C. R.

5670

Choctaw MCR 7138

Walter Harper

MCR 7138



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Muskogee, I.T., March 19, 1903.

In the matter of the application for identification as a  
Mississippi Choctaw of Walter Harper.

Applicant represented by Thomas & Harrison.

Walter Harper, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Walter Harper.  
Q How old are you? A 21.  
Q What is your postoffice address? A Lincoln, Illinois.  
Q Where were you born? A York, Nebraska.  
Q Moved from Nebraska to Illinois? A Yes sir.  
Q Have you lived there ever since? A Yes sir.  
Q What is your father's name? A Richard Harper.  
Q Is he living? A Yes sir.  
Q What is your mother's name? A Alice Harper.  
Q Is she living? A Yes sir.  
Q Through which parent do you claim your Choctaw blood? A Both.  
Q How much Choctaw blood do you claim? A I don't know.  
Q Have your parents, through whom you claim your right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States? A Not to the best of my knowledge.  
Q Through which one of his parents does your father claim his Choctaw blood? A Through his father.  
Q What is his father's name? A William Harper.  
Q What was your father's mother's name? A Rebecca Harper.  
Q Was she a white woman? A Yes sir.  
Q Does she claim any Choctaw blood? A No sir.  
Q Through which one of his parents does William Harper claim his Choctaw blood? A Through his father.  
Q What is his name? A Charles Harper.  
Q What is William Harper's mother's name? A I don't know.  
Q Was she possessed of any Choctaw blood? A I don't know.  
Q Charles Harper was your great grandfather? A Yes sir.  
Q Through which of her parents does your mother claim her Choctaw blood? A Her father.  
Q What was her father's name? A Baldwin Harper.  
Q Baldwin Harper was a brother of William Harper? A Yes sir.  
Q Did he claim his Choctaw blood through Charles Harper? A Yes sir.  
Q Your father and mother then were cousins? A Yes sir.  
Q Are you married? A No sir.  
Q You claim for yourself alone? A Yes sir.  
Q Have you any evidence of the marriage of your parents at this time? A My father has his marriage certificate with him. He is up stairs.

2 - Walter Harper.

- Q Your father will present this in his case? A Yes sir.
- Q Is your name to be found upon any of the tribal rolls of the Choctaw nation in Indian Territory? A Not to my knowledge.
- Q Did you ever make application prior to this time to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as a citizen of the Choctaw nation?
- A No sir.
- Q Did you or did any one for you in the year 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw nation under the act of Congress approved June 10, 1896? A No sir.
- Q Is this the first application of any description for citizenship in the Choctaw nation that you have ever made or has been made ~~for~~ on your behalf? A Yes sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the provisions of the 14th article of the treaty of 1830?
- A Yes sir.
- Q Article 14 of the treaty of 1830 reads as follows: "Each Choctaw head of a family, being desirous to remain and become a citizen of the states, shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the states, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity". This is the provision of law under which you claim your right to identification as a Mississippi Choctaw? A Yes sir.
- Q You understand that article, do you? A Yes sir.
- Q What was the name of your Choctaw ancestor through whom you claim your Choctaw blood? A Charles Harper.
- Q Your great grandfather? A Yes sir.
- Q How much Choctaw blood did Charles Harper have? A I don't know.
- Q Do you know where Charles Harper was born? A In Kentucky.
- Q Did he live in Kentucky all his life? A I don't know.
- Q Do you know where Baldwin Harper was born? A I don't know.
- Q Was William Harper your grandfather? A Yes sir.
- Q Do you know where he was born? A I do not.
- Q Do you know where he lived during his life time? A No sir.
- Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of article 14 of the treaty of 1830?
- A Not to my knowledge.
- Q Did any of your Choctaw ancestors reside within the limits of the old Choctaw nation in 1830 when that treaty was ratified?
- A Not that I know of.
- Q Were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians at that time? A Not that I know of.
- Q Did any of your Choctaw ancestors own any improvements at that time upon what constituted the old Choctaw nation in Mississippi and Alabama? A Not to my knowledge.

- Q Did any of your Choctaw ancestors remove from the old Choctaw nation in Mississippi and Alabama to the present Choctaw nation in the Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A Not that I know of.
- Q Did any of your Choctaw ancestors within six months from the date of the ratification of the treaty of Dancing Rabbit Creek signify to the agent of the government in Mississippi at that time their intention to remain in Mississippi, take land there and become citizens of the states as provided in the 14th article of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors ever claim or receive any land in Mississippi from the government of the United States as provided in article 14 of the treaty of Dancing Rabbit Creek? A I don't know.
- Q In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the government directed an agent in Mississippi to register the names of those Choctaws who might desire to remain in Mississippi and become citizens of the states. ~~The records of the government show that this agent failed to~~ register the names of a great many Choctaws who really did signify their intention to remain in Mississippi and take land under the provisions of the 14th article of the treaty of Dancing Rabbit Creek. On this account in a great many instances, the land upon which Choctaws had improvements and which they desired reserved for them under article 14, was sold by the government and the Choctaws deprived of their lands. This caused a great deal of complaint among the Indians and in 1837 and 1842 Congress, by acts passed in those years, created Commissions to go to Mississippi and hear claims of Choctaws who claimed that they complied with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but had received no benefits thereunder. Did any of your Choctaw ancestors appear before either of these Commissions appointed under the acts of Congress March 3, 1837 or August 23, 1842, and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A I don't know.
- Q The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with all the provisions of article 14 of the treaty of 1830, but that his land had been sold by the government, he should be entitled to select land elsewhere in the states of Mississippi, Alabama, Louisiana or Arkansas to be taken from vacant government land, and that a certificate to that effect should be given him. These certificates were called scrip. Did any of your Choctaw ancestors ever receive any such scrip from the United States under this act of Congress? A I don't know.
- Q So far as you know were any of your Choctaw ancestors ever recognized members of the Choctaw tribe of Indians? A Not that I know of.
- Q So far as you know, did they ever receive any benefits whatever as ~~much~~ Choctaw Indians? A No sir.
- Q Have you any witnesses that you desire to introduce? A No sir.
- Q Have you any documentary evidence? A No sir.
- Q Do you desire time in which to present further testimony? A Yes sir.
- Q You will be allowed 30 days from this date within which to present such evidence as you desire in support of this application.
- Q Do you speak or understand the Choctaw language? A No sir.

4 Walter Harper.

- Q Have you any further statement you wish to make? A No sir.  
Q Several of your relatives have appeared before the Commission, have they not? A Yes sir.  
Q Name them. A Richard T. Harper.  
Q Richard T. Harper your uncle? A Yes sir.  
Q Annie Acton and Lee R. Acton your cousins? A Yes sir.  
Q Do you desire your case considered with theirs? A Yes sir.

This applicant has the appearance of being a white man, and shows no indication of being possessed of Choctaw blood. Dark complexion, dark blue eyes, dark brown hair; has no knowledge of compliance upon the part of his ancestors with the provisions of the 14th article of the treaty of 1830.

May Hudson upon oath states that as stenographer to the Commission to the Five Civilized Tribes she correctly recorded the testimony in the above entitled cause, and that the foregoing is an accurate transcript of her stenographic notes thereof.

*May Hudson*

Subscribed and sworn to before me this March 23, 1903.

*John E. Liber*  
Notary Public.



Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,

Attorneys-at-Law,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission has this day notified Walter Harper that he will be allowed thirty days from this date in which to submit further evidence in support of his application for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Commissioner in Charge.

M C R 7138

Muskogee, Indian Territory, November 6, 1903.

Walter Harper,

Lincoln, Illinois.

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of your application for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Commissioner in Charge.

M C R 7138

Muskogee, Indian Territory, March 19, 1904.

Walter Harper,  
Lincoln, Illinois.

Dear Sir:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which your application for identification as a Mississippi Choctaw was made a part, refusing said application.

You are further advised that a copy of such decision has been furnished your attorneys of record, Thomas & Harrison, Muskogee, Indian Territory; that the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted to the Secretary of the Interior for his consideration with such argument and brief as may be submitted by your attorneys.

Respectfully,

Registered

Commissioner in Charge.

M C R 7138

Muskogee, Indian Territory, June 26, 1905.

Walter Harper,  
Lincoln, Illinois.

Dear Sir:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 19th day of March, 1904.

Respectfully,

Chairman.

14

No. 7138

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 19 1903

Name *Walter Harper*

Age 21 Blood *Unknown*

Post Office, *Lincoln Ill*

Father: *Richard Harper* L

Mother: *Alice* L

Claims through *Both*

Children:

*Claims for self alone*

*Transcribed by May Hudson*

Stenographer *R. B. Eisenberg*

Walter Harper

DECISION RENDERED

MAR 4 1904

CONVICTED BY COURT

MAR 4 1904

NOTICE OF DECISION MAILED APPLICANT. MAR 18 1904

CONVICTED BY COURT  
ATTORNEY FOR APPLICANT.

MAR 18 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED BY  
SECRETARY OF INTERIOR.

MAR 3 1905

NOTICE OF DEPARTMENTAL  
ACTION MAILED APPLICANT.

JUN 26 1905

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT.

JUN 26 1905

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
NOTICE FOR SAW NATIONS.

JUN 26 1905

10670

Choctaw MCR 7139

Troy Wills

MCR 7139

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application of Troy Wills, et al.,  
for identification as Mississippi Choctaws, M.C.R. 7139.

List of papers forwarded to the Secretary of the Interior  
comprising the record in the above case.

	(Page)
Original application of Troy Wills, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Copy of marriage record between Troy Wills and Sarah Ann Coburn-----	5
Decision of the Commission refusing the ap- plication of Troy Wills, et al., for identi- fication as Mississippi Choctaws-----	6

-oOo-



#7139.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T. March 19, 1903.

-----  
In the matter of the application of Troy Wills for the identification of himself and minor child, William J. Wills, as Mississippi Choctaws.

Appearance: Thomas & Harrison, Attorneys for Applicant.

Troy Wills being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Troy Wills.  
Q What is your age? A Twenty-four.  
Q What is your post office address? A Rothwell, Kentucky.  
Q Were you born in Kentucky? A Yes, sir.  
Q And have always lived there? A Yes, sir.  
Q What is your father's name? A Berry Wills.  
Q Is he living? A Yes, sir.  
Q What is your mother's name? A Mary Wills.  
Q Is she living? A Yes, sir.  
Q Through which one of your parents do you claim your Choctaw blood? A My mother.  
Q How much Choctaw blood do you claim? A One-sixteenth.  
Q Has your mother, through whom you claim the right to identification, ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or by the authorities of the United States? A No, sir.  
Q Through which one of her parents did your mother derive her Choctaw blood? A Her mother.  
Q What was her name? A Lydia Reynolds.  
Q What was the name of Lydia Reynolds' husband? A John Reynolds.  
Q Was he a white man? A Yes, sir.  
Q He possessed no Choctaw blood? A No, sir.  
Q Through which parent did Lydia Reynolds derive her Choctaw blood? A Her father.  
Q What was her father's name? A Billy Hanks.  
Q What was the name of Billy Hanks' wife? A I don't know.  
Q Through which one of his parents did Billy Hanks claim his Choctaw blood? A I don't know.  
Q You are not able to trace your ancestry any further back than William Hanks? A No, sir.  
Q Are you married? A Yes, sir.  
Q What is your wife's name? A I have been married twice.  
Q What was the name of your first wife? A Sarah A. Wills.  
Q Is she living? A No, sir.  
Q What is the name of your second wife? A Alice Wills.  
Q Is she living? A Yes, sir.  
Q Is she a white woman? A Yes.  
Q She claims no Choctaw blood? A No, sir.  
Q You make no claim for her? A No.  
Q Was your first wife a white woman? A Yes, sir.

Troy Wills -----2.

- Q She claimed no Choctaw blood? A No, sir.  
Q What is the name and age of your minor child for which you wish to apply? A William J. Wills, 4 years old.  
Q Is that the only child you have? A Yes, sir.  
Q This application then is for yourself and one minor child? A Yes, sir.  
Q Are you the father of this child? A Yes, sir.  
Q And Sarah A. Wills is the mother? A Yes, sir.  
Q This child claims its Choctaw blood through you? A Yes.  
Q When and where were you married to Sarah A. Wills? A Menefee, Kentucky.  
Q Have you any evidence of that marriage with you? A No.

It will be necessary that you furnish the Commission with proper evidence of your marriage to Sarah A. Wills in support of this application which you make for the identification of your minor child. This evidence may be furnished within 30 days.

- Q Is your name or the name of this minor child on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.  
Q Did you, or did any one for you, or for this child, ever make application to the Choctaw tribal authorities to be enrolled as members of that tribe of Indians? A No, sir.  
Q Did you, or did any one for you, or for your minor child, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No, sir.  
Q Is this the first application of any description you have ever made or that has been made in your behalf for citizenship or enrollment in the Choctaw Nation? A Yes, sir.  
Q You now appear before the Commission for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and minor child under the provisions of article fourteen of the treaty of 1830? A Yes, sir.  
Q Do you understand that article? A Yes, sir.

Article fourteen reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months after the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Troy Wills -----3.

- Q Is that the provision of law under which you are claiming the right to identification as a Mississippi Choctaw? A Yes, sir.
- Q What is the name of your Choctaw ancestor through whom you claim this right? A John Harper.
- Q What relation was John Harper to you? A My great-great-great-grandfather.
- Q How old would your mother be at this time? A 47.
- Q Is Lydia Reynolds living? A Yes.
- Q How old is she at this time? A About 67 or 8.
- Q Did she have any older brothers or sisters? A I don't know.
- Q Do you know if William Hanks, your great-grandfather, was married prior to 1830? A I don't know.
- Q You are not able to trace your ancestry in a straight line back to John Harper? A I don't believe I am.
- Q You are not able to fill in the link between William Hanks and John Harper? A No, sir.
- Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A Not that I know of.
- Q Were any of your Choctaw ancestors living in the old Choctaw Nation in Mississippi and Alabama when this treaty was made? A I don't know.
- Q Were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians at that time? A I don't know.
- Q Did any of your Choctaw ancestors own an improvement at that time in what constituted the old Choctaw Nation? A I don't know.
- Q Did any of your Choctaw ancestors remove from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, at the time of the removal of the greater portion of the Choctaw Indians between the years 1833 and 1838? A Not that I know of.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 signify to the Agent in Mississippi at that time an intention to remain in the old Choctaw Nation, to take land there and become citizens of the states? A I don't know.
- Q Did any of your Choctaw ancestors ever receive or claim any land from the government of the United States under the provisions of article fourteen of the treaty of 1830? A I don't know.

In accordance with the provisions of article fourteen of the treaty of 1830, the government directed an Agent in Mississippi at that time to register the names of all those Choctaws who might desire to remain in Mississippi and comply with the provisions of that article. The records of the government show that this agent failed to register and report the names of a great many Choctaws who really did signify to him their intention to remain in the old Choctaw Nation, take land there and become citizens of the states. On this account, in many instances, the lands on which these Indians lived and had improvements, and which they desired to have reserved for them, were sold by the government at its public land sales and the Indians deprived of their land. This caused much complaint among the Choctaws and the matter was finally brought to the attention of Congress, and Congress, by acts passed March 3, 1837 and August 23, 1842, appointed Commissioners whose duty it was to go to Mississippi and investigate these claims.

- Q Did any of your Choctaw ancestors appear before either of these Commissioners and attempt to establish their rights under the provisions of article fourteen of the treaty of 1830? A I don't

Troy Wills -----4.

know.

Q The act of Congress approved August 23, 1842, provided, that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article fourteen of the treaty of 1830, but that his land had been sold by the government, he should be entitled to select land elsewhere in the states of Mississippi, Alabama, Louisiana, or Arkansas, to be taken from vacant government land, and that a certificate to that effect should be given him. These certificates were called scrip.

Q Did any of your Choctaw ancestors ever receive any such scrip from the government of the United States under that act of Congress? A Not that I know of.

Q So far as you know were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians? A No, sir.

Q Did any of them receive benefits from the government as Choctaw Indians? A No, sir.

Q Have you any witnesses? A No, sir.

Q Have you any documentary evidence to present? A No.

Q Do you desire time in which to present further evidence? A Yes.

Thirty days from the date of this application will be allowed in which to introduce additional evidence in support of your claim.

Q Do you speak or understand the Choctaw language? A No.

Q Are there any further statements you wish to make? A No.

Q What relation is Christopher C. Hanks to you? A I think he is my great uncle.

Q Other relatives of yours have appeared before the Commission to make application for identification as a Mississippi Choctaws?  
A Yes, sir.

Reference is made to the case of Christopher C. Hanks, M. C. R. 6508.

This applicant has the appearance of being a white man; shows no indication of possessing Choctaw Indian blood; has light complexion, blue eyes, brown hair; has no knowledge of any compliance on the part of his Choctaw ancestors with the provisions of article fourteen of the treaty of 1830.

R. B. Eisenberg, being first duly sworn, states on his oath, that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on the 19th day of March, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings had on said date.

*R. B. Eisenberg*

Subscribed and sworn to before me this 20th day of May, 1903.

*Charles R. Saenger*

Notary Public.

M C R 7139

Muskogee, Indian Territory, April 16, 1903.

H. B. Williams,  
Craig, Missouri.

Dear Sir:

---

Receipt is hereby acknowledged of your letter of the 11th instant, enclosing certified copy of marriage license and certificate between Troy Wills and Sarah Ann Coburn offered in support of the application made by Troy Wills for the identification of himself and minor child as Mississippi Choctaws. The same has been filed with the record in this case.

Respectfully,

M.C.R. 7139.

COPY:

Muskogee, Indian Territory, July 29, 1904.

Troy Wills,

Rothwell, Kentucky,

Dear Sir:-

You are hereby notified that the Commission to the Five Civilized Tribes, on July 29, 1904, rendered its decision, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mamie Nace et al., including you and your minor child, William J. Wills.

You are further notified that you will be allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

*T. B. Needles.*

Registered.

Commissioner in Charge.

M.C.R. 7139

COPY.

Muskogee, Indian Territory, October 31, 1904.

Troy Wills,

Rothwell, Kentucky,

Dear Sir:

You are hereby notified that on the 15th day of October, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of yourself and minor son, William J. Wills, included in the consolidated case of Mamie Mace et al., of which decision you were advised by registered mail on the 29th day of July, 1904.

Respectfully,

(SIGNED),

*James Dixby*

Chairman.

75

No.

7139

## FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 19 1903

Name

Troy Wills

Age

24

Blood

1/16

Post Office,

Rothwell Ky.

Father:

Barry Wills

L

Mother:

Mary

L

Claims through

mother

1<sup>st</sup>Wife: Sarah A Wills w  
(mother of children)

D

2<sup>nd</sup>Alice Wills w L  
(No claim for her)

Children:

William J. Wills 4.

(Claims for self &amp; child)

Stenographer

R.B. Eisenberg



11863-10-11-11  
*Gray Mills, et al.*

DECISION RENDERED JUL 29 1904

REFUSED JUL 29 1904

NOTICE OF DECISION FORWARDED  
APPLICANT

COPY OF DECISION FORWARDED  
ATTORNEYS FOR CHOCTAW AND  
CHICKASAW NATIONS.

JUL 29 1904

NOTICE OF DECISION  
FORWARDED ATTORNEY  
FOR APPLICANTS.

JUL 29 1904

RECORD FORWARDED DEPARTMENT

AUG 15 1904

ACTION REVIEWED BY  
SECRETARY OF INTERIOR.

NOTICE OF DECISION  
ACTION REVIEWED BY APPLICANT

JUL 29 1904

NOTICE OF DECISION  
FORWARDED ATTORNEY FOR CHOCTAW  
AND CHICKASAW NATIONS.

JUL 29 1904

NOTICE OF DECISION  
FORWARDED ATTORNEY FOR APPLICANT

JUL 29 1904

REFUSED

Refer to M.C.R. 725

Choctaw MCR 7140

James Billings

MCR 7140

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T., March 19, 1903.

-----

In the matter of the application of James Billings for the identification of himself and his three minor children, ~~Emmer~~, William L., and Walter Billings, as Mississippi Choctaws.

James Billings, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A James Billings.  
Q How old are you? A ~~Thirty-three~~.  
Q What is your post office address? A Lamont, Arkansas.  
Q How long have you lived there? A I have been there about seven years.  
Q Where did you live before that? A We come from Howard County, Arkansas.  
Q How long did you live there? A Was born there and always lived there.  
Q What was your father's name? A John Billings.  
Q Is he living? A Yes, sir.  
Q What is your mother's name? A Catherine.  
Q Is she living? A Yes, sir.  
Q Through which one of your parents do you claim your Choctaw blood? A My mother.  
Q How much Choctaw blood do you claim? A I don't know.  
Q Has your mother, through whom you claim the right to identification, ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States? A No, sir.  
Q Through which one of her parents did your mother derive her Choctaw blood? A Her mother.  
Q What was her name? A Annis Jones.  
Q What was your mother's father's name? A Draper.  
Q Then Annis Jones was the maiden name of your grand-mother? A Yes, sir.  
Q Do you know the given name of Draper? A Jackson.  
Q He possessed no Choctaw blood? A No.  
Q Through which one of her parents did Annis Draper claim her Choctaw blood? A Her mother.  
Q What was her name? A Beckey Box.  
Q Who did Beckey Box marry? A Andrew Jones.  
Q Beckey Box then was your great-grandmother? A Yes.  
Q How much Choctaw blood did she have? A My mother says one-half and her sister says she was a full blood.  
Q You are not sure which? A No, sir.  
Q Are you married? A Yes, sir.  
Q What is your wife's name? A Arrie Billings.  
Q Is she a white woman? A Yes--no, she has Choctaw blood, but we did not understand this in time.  
Q You make no claim for her? A No.  
Q Is she living? A Yes, sir.  
Q Have you any children under age and unmarried for whom you wish to make application? A Yes.  
Q What are their names and ages? A Emmer, 6; William L., 4;

James Billings -----2.

and Walter, 11 months.

Q Is that all? A Yes.

Q This application then is for yourself and three minor children?  
A Yes.

Q Are you the father of these children? A Yes, sir.

Q And is Arrie Billings the mother? A Yes, sir.

Q These children claim through you? A Yes, sir.

Q When and where were you married to Arrie Billings? A In March, 1894, in Grant County, state of Arkansas.

Q Have you any evidence of that marriage with you? A No.

It will be necessary that you furnish the Commission with evidence of your marriage to Arrie Billings in support of the application which you make for your minor children? This evidence may be furnished within 30 days.

Q Is your name or are the names of any of your minor children to be found on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.

Q Did you, or any one for you, or for these minor children, ever make application to be enrolled as citizens of the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No.

Q Did you or any one for you, or for these minor children, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No, sir.

Q Is this the first application of any description that has been made by you or on your behalf? A Yes, sir.

Q You appear before the Commission at this time claiming rights in the Choctaw lands under the provisions of article fourteen of the treaty of 1830? A Yes, sir.

Q Do you understand that article? A Yes, sir.

Article fourteen reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six-hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q That is the provision of law under which you claim the right to identification as a Mississippi Choctaw, is it? A Yes, sir.

Q What is the name of your Choctaw ancestor who lived in the old Choctaw Nation in Mississippi and Alabama at the time this treaty was made in 1830, and who was the head of a family there at that time? A Beckey Box.

Q Was Annis Jones married prior to 1830? A I could not say.

Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of article fourteen of the treaty of

James Billings -----3.

1830? A I don't know.

Q Did any of your Choctaw ancestors reside within the confines of that old Choctaw Nation when this treaty of 1830 was made? A I could not say.

Q Were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians at that time? A I don't know.

Q Did any of your Choctaw ancestors own an improvement at that time in what constituted the old Choctaw Nation? A I don't know.

Q Did any of your Choctaw ancestors remove from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, at the time of the removal of the greater portion of the Choctaw Indians, between the years 1833 and 1838? A Not that I know of.

Q Did any of your Choctaw ancestors, within six months after the ratification of the treaty of 1830, signify to the Indian Agent in Mississippi at that time an intention remain in the old Choctaw Nation, to take land there and become citizens of the states? A Not that I know of.

Q Did any of your Choctaw ancestors ever claim or receive any land from the government of the United States under the provisions of article fourteen of the treaty of 1830? A Not that I know of.

In accordance with the provisions of article fourteen of the treaty of 1830, the government directed an Agent in Mississippi to register the names of all those Choctaws who might desire to remain in the old Choctaw Nation, take land there and become citizens of the states. The records of the government show that this Agent failed to register and report the names of a great many Choctaws who really did signify to him their intention of remaining in the old Choctaw Nation and complying with the provisions of article fourteen of that treaty. On this account, in many instances, the lands on which these Indians lived and had improvements and which they desired to have reserved for them, were sold by the government at its public land sales and the Indians deprived of their land. This caused much complaint among the Indians and the matter was finally brought to the attention of Congress, and Congress by acts passed March 3, 1837 and August 23, 1842, appointed Commissions whose duty it was to go to Mississippi and investigate these claims.

Q Did any of your Choctaw ancestors appear before either of these Commissions and attempt to establish their rights under the provisions of article fourteen of the treaty of 1830? A Not that I know of.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article fourteen of the treaty of 1830, but that his land had been sold by the government, he should be entitled to select land elsewhere in the states of Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant government land, and that a certificate to that effect should be given him. These certificates were called scrip.

Q Did any of your Choctaw ancestors receive any such scrip from the government under this act of Congress? A No, sir.

James Billings ----4.

- Q So far as you know were any of your Choctaw ancestors ever recognized members of the Choctaw tribe of Indians? A No, sir.  
Q So far as you know did any of them ever receive any benefits as such? A No, sir.  
Q Have you any witnesses? A No.  
Q Have you any documentary evidence to offer? A No.  
Q Do you desire time in which to offer additional evidence? A Yes.

You will be allowed thirty days from the date of this application within which to offer additional testimony in support of your claim. No extension of this time will be granted except upon motion in writing, duly filed with the Commission, setting forth the cause for continuance, the names of the witnesses and the matters to which they will testify.

- Q Do you speak or understand the Choctaw language? A No, sir.  
~~Q Have you any further statements to make? A No, sir.~~  
Q A great number of relatives of yours have appeared before the Commission and made application? A Yes.  
Q What relation is Willis C. Jones to you? A I don't know; I don't remember. I hear him spoken of.

Reference is made to the case of Willis C. Jones, M.C.R. 6755 for the purpose of consolidation.

Reference is also made to the case of Mary A. Sparks, et al., M.C.R. 5735.

Applicant has the appearance of being possessed of the quantity of Choctaw blood claimed; is light complected, light brown hair, sandy mustache, blue eyes; has no knowledge of any compliance on the part of his Choctaw ancestors with the provisions of article fourteen of the treaty of 1830.

R. B. Eisenberg, being first duly sworn, states on his oath that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on the 19th day of March, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings had on said date.

*R. B. Eisenberg*

Subscribed and sworn to before me this 23rd day of April, 1903.

*Charles H. Sawyer*

Notary Public.

M.C.R. 7140.

Muskogee, Indian Territory, April 8, 1903,

James Billings,

Lamont, Arkansas.

Dear Sir:

Receipt is hereby acknowledged of original marriage license and certificate between J.W. Billings and A.L. Tatum; offered for filing in support of the application made by you for the identification of yourself and minor children as Mississippi Choctaws.

The same have been filed with the record in this case.

Respectfully,

Commissioner in Charge.



Muskogee, Indian Territory, March 17, 1904.

James Billings,

Lamont, Arkansas.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 14, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Willie Cornelius Jones, et al., including you and your children, Eamer, William L. and Walter Billings.

You are further notified that you will be allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

C. R. Breckinridge

Commissioner in Charge.

Registered.



EOA-7140

COPY.

Muskogee, Indian Territory, January 23, 1906.

James Billings.

Lanont, Arkansas.

Dear Sir:

You are hereby notified that the Secretary of the Interior, on January 10, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of March 14, 1904, refusing the applications of the several persons included in the consolidated Mississippi Choctaw case of Willis Cornelius Jones, et al., of which, the application for the identification of yourself, and minor children, Emma, William L. and Walter Billings, as Mississippi Choctaws, is a part.

Respectfully,

SIGNED *James Bixby.*

Commissioner.

16

No.

7140

## FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

MAR 19 1903

Date

Name James Billings

Age 33 Blood Darker

Post Office, Lamont, Ark

Father: John Billings L

Mother: Catharine " L

Claims through Mother

wife Arrie Billings, L  
(No claim for her)

Children:

Emma Billings 6

William L " 4

Walter " 11 mos

(Claims for self & 3 minor  
children)

Stenographer

R. B. Blasing

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.

R. 714

James Billings, et al

VISION RENDERED

MAR 14 1904

NOTICE OF DECISION MAILED APPLICANT.

MAR 17 1904

NOTICE OF DECISION FORWARDED  
TO BUREAU FOR APPLICANT.

MAR 17 1904

NOTICE OF DECISION FORWARDED  
TO BUREAU FOR APPLICANT.

MAR 17 1904

RECEIVED

ACTION APPROVED BY SECRETARY OF INTERIOR.

JAN 10 1906

NOTICE  
FORWARDED

DEPARTMENTAL ACTION

JAN 12 1906

NOTICE

DEPARTMENTAL ACTION

FORWARDED

TO BUREAU FOR APPLICANT.

JAN 23 1906

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED TO BUREAU FOR CHOCTAW  
AND CHICKASAW NATIONS.

JAN 23 1906

REFER TO M. C. R.

Copy of testimony furnished S. B. Dawes, April 20, 1904.  
See M C R 6755

---

Choctaw MCR 7141

Nelson Barker

MCR 7141

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

--0--

In the matter of the application of Nelson Barker, et al.,  
for identification as Mississippi Choctaws, consolidating the ap-  
plications of:

Nelson Barker,	M.C.R. 7141
Jim Barker, et al.,	M.C.R. 7217
Albert Barker,	M.C.R. 7207

List of papers forwarded to the Secretary of the Interior  
comprising the record in the above consolidated case.

	(Page)
Original application of Nelson Barker to the Dawes Commission for identification as a Mississippi Choctaw-----	1
Original application of Jim Barker, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	5
Affidavit of John Chalmers-----	10
Original application of Albert Barker to the Dawes Commission for identification as a Mississippi Choctaw-----	11
Decision of the Commission refusing the ap- plications in the consolidated case of Nelson Barker, et al., for identifica- tion as Mississippi Choctaws-----	15

--0--

#7141

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T. March 19, 1903.

-----  
In the matter of the application of Nelson Barker for the  
identification of himself as a Mississippi Choctaw.

Nelson Barker being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Nelson Barker.  
Q What is your age? A Eighty-five.  
Q What is your post office address? A Hickory Flats, Mississippi.  
Q Where were you born? A In Mississippi.  
Q You have always lived there? A Yes, sir.  
Q What is your father's name? A My father's name was Aberdeen;  
he was an Indian; that is all I ever heard.  
Q Is he living? A No, sir.  
Q What is your mother's name? A Mary.  
Q Was she an Indian? A No, sir.  
Q What was her blood? A I reckon it was part white blood.  
Q Did she have any negro blood? A If she did I did not know it.  
Q Did your father have any negro blood? A No, sir.  
Q Then you don't claim to have any negro blood? A No, sir.  
Q Is your mother living? A No, sir.  
Q You claim your Choctaw blood through your father? A Yes, sir.  
Q How much Choctaw blood do you claim? A One-half.  
Q Are you any relation to Sophie Hyde? A No, sir, never seen  
her before.  
Q You say your father was a full blood Choctaw Indian? A Yes.  
Q Your mother was a white woman? A Not exactly white.  
Q What was her other blood? A Part African.  
Q You said that you did not have any African blood, and now you say  
your mother had? A You are right.  
Q Was your mother a slave? A Yes.  
Q Was your father a slave? A No.  
Q Are you sure about that? A Yes.  
Q Did your father and mother live together? A Yes.  
Q When? A In 1844 and 45.  
Q They lived together then? A Yes.  
Q Did they live together before that? A Not that I know of.  
Q Are you married? A Yes.  
Q Have you any children? A Yes.  
Q Under age? A No, sir.  
Q This application is for yourself, alone? A Yes.  
Q What is your wife's blood? A I think it is African.  
Q Is your name to be found on any of the tribal rolls of the  
Choctaw Nation in Indian Territory? A No.  
Q Did you ever make application to the Choctaw tribal authorities  
to be enrolled as a member of that tribe of Indians? A No,  
sir.  
Q Did you make application to the Commission to the Five Civilized  
Tribes for citizenship in the Choctaw Nation under the act of  
Congress of June 10, 1896? A No, sir.

Nelson Barker -----2.

- Q Is this the first application of any description that you have ever made for citizenship in the Choctaw Nation? A Yes, sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the provisions of article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand that article? A Yes, sir.

Article fourteen reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months after the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey, and in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q That is the law under which you are claiming your right to identification as a Mississippi Choctaw? A Yes, sir.
- Q Did Aberdeen, your father, ever comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A Not that I know of.
- Q Was he living in the old Choctaw Nation in Mississippi and Alabama when this treaty was made? A Yes, sir.
- Q You were also living there then? A No, sir, I was not born.
- Q Yes you were? A Yes I was.
- Q Was your father a recognized member of the Choctaw tribe of Indians at that time? Do you know anything about that? A No, sir, I don't.
- Q Did he own an improvement at that time in what constituted the old Choctaw Nation? A I don't know.
- Q Did he within six months after the ratification of the treaty of 1830 signify to the Agent in Mississippi at that time an intention to remain in the old Choctaw Nation, take land there and become a citizen of the states? A I don't know.
- Q Did he ever remove from Mississippi to the Territory? A I think he did.
- Q When? A About 1852 or 3. He moved from Hickory Flats to near the Mississippi river.
- Q Did he ever move out here to the Territory? A Not that I know of.
- Q Did he ever receive any land in Mississippi from the United States government as a Choctaw Indian? A I don't recollect.
- Q You never received any? A I am certain of that.



Nelson Barker -----2.

In accordance with the provisions of article fourteen of the treaty of 1830 the government directed an agent in Mississippi at that time to register the names of all those Choctaws who might desire to remain in Mississippi and comply with the provisions of that article. The records of the government show that this agent failed to register the names of a great many Choctaws who really did signify to him their intention to remain in the old Choctaw Nation, to take land there and become citizens of the states. On this account, in many instances, the lands on which these Indians lived and had improvements, and which they desired to have reserved for them, were sold by the government at its public land sales and the Indians were deprived of their land. This caused much complaint among the Choctaws and the matter was finally brought to the attention of Congress, and Congress, by acts passed March 3, 1837, and August 23, 1842, appointed Commissions whose duty it was to go to Mississippi and investigate these claims.

- Q Did any of your Choctaw ancestors appear before either of these Commissions appointed in 1837 and in 1842 and attempt to establish their rights under the provisions of article fourteen of the treaty of 1830? A They never did.
- Q You are sure of that? A Yes, I am certain.

The act of Congress approved August 23, 1842, provided, that in case it should be finally determined that a Choctaw had complied with the provisions of article fourteen of the treaty of 1830, but that his land had been sold by the government, he should be entitled to receive land elsewhere in the states of Mississippi, Alabama, Louisiana, or Arkansas, to be selected from vacant government land, and that a certificate to that effect should be given him. These certificates were called scrip.

- Q Did either your father or yourself ever receive any such scrip from the government under that act of Congress? A No, sir.
- Q So far as you know were any of your Choctaw ancestors ever recognized members of the Choctaw tribe of Indians? A No.
- Q So far as you know did any of them ever receive benefits from the government as such? A No.
- Q Have you any witnesses? A No.
- Q Have you any documentary evidence? A No.
- Q Do you desire time in which to present further evidence? A Yes.

You will be allowed 30 days time from the date of this application within which to introduce additional evidence in support of your claim.

Applicant has the appearance of being possessed of white and negro blood, in which the negro blood predominates; he has no knowledge of any compliance on the part of his Choctaw ancestors with the provisions of article fourteen of the treaty of 1830.

Nelson Barker -----

R. B. Eisenberg, being first duly sworn, states on his oath, that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings and in the above entitled cause on the 19th day of March, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings had on said date.

*R. B. Eisenberg*

Subscribed and sworn to before me this 20th day of May, 1903.

*Charles H. Sawyer*

Notary Public.

copy.

0567

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

--0--

In the matter of the application of Nelson Barker, et al.,  
for identification as Mississippi Choctaws, consolidating the ap-  
plications of:

Nelson Barker,	M.C.R. 7141
Jim Barker, et al.,	M.C.R. 7217
Albert Barker,	M.C.R. 7207

---: D E C I S I O N :---

It appears from the record herein that applications for  
identification as Mississippi Choctaws were made to this Commission  
by Nelson Barker for himself; by Jim Barker for himself and his  
minor child, John H. Barker; and by Albert Barker for himself,  
under the following provision of the act of Congress approved June  
28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the  
identity of Choctaw Indians claiming rights in the Choctaw  
lands under article fourteen of the treaty between the United  
States and the Choctaw Nation, concluded September twenty-  
seventh, eighteen hundred and thirty, and to that end may ad-  
minister oaths, examine witnesses, and perform all other acts  
necessary thereto and make report to the Secretary of the In-  
terior."

It also appears that all of said applicants claim rights

in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Aberdeen (or Tishomingo) Barker, who is alleged to have been a full-blood Choctaw Indian.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Aberdeen (or Tishomingo) Barker, or the principal applicant herein, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1857 (5 Stats., 180) and August 23, 1842 (5 Stats., 813).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Nelson Barker, Jim Barker, John H. Barker and Albert Barker, as Choctaw

Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED).

Turno Dinby.

Chairman.

(SIGNED):

T. B. Needles.

COMMISSIONER.

(SIGNED).

C. B. Breckinridge.

COMMISSIONER.

Muskogee, Indian Territory,

(SIGNED):

W. E. Stanley.

COMMISSIONER.

OCT 29 1834.

COPY.

M.C.R. 7141

Muskogee, Indian Territory, October 29, 1903.

Nelson Barker,

Hickory Flat, Mississippi.

Dear Sir:

You are hereby advised that on the 29th day of October, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Nelson Barker, et al., embracing the following applications for identification as Mississippi Choctaws:

Nelson Barker,	M.C.R. 7141
Jim Barker, et al.,	M.C.R. 7217
Albert Barker,	M.C.R. 7207.

These applications were made under the provision of the Act of Congress of June 28, 1898 (30 Stat., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Nelson Barker, Jim Barker, John H. Barker and Albert Barker, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen

days from the date hereof within which to file arguments in this office, and that at the expiration of that time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

*T. B. Needles.*

Commissioner in Charge.

Registered.

COPY.

M.C.R. 7141

Muskogee, Indian Territory, October 29, 1903.

Mansfield, McMurray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 29th day of October, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Nelson Barker, et al., embracing the following applications for identification as Mississippi Choctaws:

Nelson Barker,	M.C.R. 7141
Jim Barker, et al.,	M.C.R. 7217
Albert Barker,	M.C.R. 7207.

These applications were made under the provision of the Act of Congress of June 28, 1898 (30 Stat., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Nelson Barker, Jim Barker, John H. Barker and Albert Barker, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully, (SIGNED)

*T. B. Needles.*  
Commissioner in Charge.



COPY:

Muskogee, Indian Territory, November 14, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Nelson Barker, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 29, 1903.

The above consolidated case embraces the following original applications heard by the Commission:

Nelson Barker,	M..C. R. 7141,
Jim Barker, et al.,	M. C. R. 7217,
Albert Barker.	M. C. R. 7207.

The Commission has the honor to report that the principal applicants in the several separate applications and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

SIGNED

*Tame Dixie*  
Chairman.

Through the

Commissioner of Indian Affairs.

2 Enc. M. C. R. 7141.

C O P Y )

LAND.  
75093-1903.

Department of the Interior,  
Office of Indian Affairs,  
Washington, February 6, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to invite your attention to the record of the Commission to the Five Civilized Tribes in the matter of the application of Nelson Barker for the identification of himself; by Jim Barker for himself and his minor child, John H. Barker, and by Albert Barker for himself as Mississippi Cheetaws, wherein a decision rejecting them was entered by the Commission October 29, 1903.

The record in the case shows that the applicants base their claims to a right to identification as Mississippi Cheetaws on their descent from Cheetaw ancestors, some of the testimony being to the effect that the ancestor named was Aberdeen and other that it was Tishomingo.

Nelson Barker, who is one of the witnesses testifies that he has no knowledge of a recognition by the Cheetaw Indians of his father, Aberdeen as a member of the tribe, neither has he any knowledge as to whether Aberdeen owned any improvements in the Cheetaw Nation in Mississippi or Alabama in 1830, or whether he complied with or attempted to comply with the provisions of the 14th article

of the Choctaw treaty.

Jim Barker gives the name of the Choctaw ancestor as Tishomingo and he is unable to testify as to any recognition by the Choctaws of Tishomingo or as to whether in 1830 he owned improvements in the Choctaw Nation east of the Mississippi, or whether he complied with or attempted to comply with the provisions of the 14th article of the Choctaw treaty.

John Chalmers, a witness gives the name of the ancestor as Tishomingo Barker.

The Commission rejected the applicants for the reason that their records failed to show that Aberdeen or Tishomingo Barker was one of those Choctaws who complied with or attempted to comply with the provisions of the 14th article of the Choctaw treaty.

An investigation has been made of the records of this office with reference to the names of the ancestor of the applicants and it is ascertained that there was no Choctaw Indian who became a beneficiary under the 14th article of the treaty of 1830 or attempted to comply with the provisions of that article who had the name of Aberdeen or Tishomingo or Tishomingo Barker. I am therefore of the opinion that the decision of the Commission rejecting the applicants should be approved and so recommend.

Very respectfully,

Signed) A. C. Tonner,

Acting Commissioner.

( C O P Y )

D.C. 6469

I.T.D. 1122-1904.

L.R.S.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

W.C.F.

FHE

February 24, 1904.

Commission to the Five Civilized Tribes,  
Muskegee, Indian Territory.

Gentlemen:

November 14, 1903, you transmitted the record in the consolidated case embracing the applications for identification as Mississippi Chectaws of Nelson Barker for himself; of Jim Barker for himself and his minor child, John H. Barker; and of Albert Barker for himself, including your decision of October 29, 1903, refusing to identify them as such.

The Chectaw ancestor through whom the applicants claim descent was the father of the principal applicant Nelson Barker. His name is given as Aberdeen, or Tishomingo, or Tishomingo Barker, and it is alleged that he was a resident of Mississippi in 1830.

The evidence as furnished by the record, as well as the evidence contained in the records of the Indian Office, fails to show that said ancestor ever complied or attempted to comply with the provisions of article 14 of the Chectaw treaty of 1830, or with the subsequent acts of Congress relating thereto.

Reporting in the matter February 6, 1904, the Acting Commissioner of Indian Affairs recommends that your decision rejecting the applicants be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

---

Thos. Ryan,  
Acting Secretary.

1 inclosure.

---

M.C.R. 7141

Muskogee, Indian Territory, March 9, 1904.

Nelson Barker,

Hickory Flat, Mississippi,

Dear Sir:

You are hereby notified that on the 24th day of February, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Nelson Barker et al., of which decision you were advised by registered mail on the 29th day of October, 1903.

Respectfully,

Commissioner in Charge.

COPY:

M.C.R. 7217

Muskogee, Indian Territory, March 9, 1904.

Jim Barker,

Hickory Flat, Mississippi,

Dear Sir:

You are hereby notified that on the 24th day of February, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Nelson Barker, et al., of which decision you were advised by registered mail on the 29th day of October, 1903.

Respectfully,

(SIGNED)

W. B. J. J. J. J.  
Commissioner in Charge.

Copy.

M.C.R. 7207

Muskogee, Indian Territory, March 9, 1904.

Albert Barker,

Hickory Flat, Mississippi,

Dear Sir:

You are hereby notified that on the 24th day of February, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Nelson Barker, et al., of which decision you were advised by registered mail on the 29th day of October, 1903.

Respectfully,

*J. B. Jones*

Commissioner in Charge.



COPY.

M.C.R. 7141

Muskogee, Indian Territory, March 9, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby notified that on the 24th day of February, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Nelson Barker et al., of which decision you were advised by mail on the 29th day of October, 1903.

Respectfully,  
(SIGNED)

*I. B. Needles.*

Commissioner in Charge.

REFER IN REPLY TO THE FOLLOWING

DEPARTMENT OF THE INTERIOR.  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Jan 6-06

Copy of testimony + decision  
in this case furnished  
H. L. Thurman, attorney,  
Muskogee, this date.

Wm

McR 7141

Nelson Barker, Jr.

Conductor

Aberdeen,  
Tishomingo, or

Tishomingo Barker.  $\frac{1}{2}$

wife

Mary McKay, neg.  $\frac{1}{2}$

mek  
7141

Nelson Barker 85  $\frac{1}{2}$   
slave.

wife

Abbie Barker. neg. Slave.

Henry Barker. 49  $\frac{1}{4}$

wife

Alice Barker, L

mek  
7217

Jim Barker 30.  $\frac{1}{16}$

wife

Lula Barker, w. neg.

mek  
7217

John H. Baker, 8.

mek  
7207

Albert Barker, 45  $\frac{1}{4}$

17

No. 7141

## FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

MAR 19 1903

Date

Name Nelson Barker

Age 85 Blood 1/2.

Post Office, Hickory Hills, Miss

Father: Abendeem D.

Mother: Mary <sup>Wyn</sup> White D.

Claims through father

Children:

(Claims for self alone)

Stenographer

B. B. Eisinger

ACTION APPROVED BY  
SECRETARY OF INTERIOR

Choctaw MCR 7142

James Eckford

MCR 7142

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

--0--

In the matter of the application of James Eckford, et al.,  
for identification as Mississippi Choctaws, M.C.R. 7142.

List of papers forwarded to the Secretary of the Interior  
comprising the record in the above case.

	(Page)
Original application of James Eckford, et al., to the Dawes Commission for identification as Mississippi Choctaws-----0-----	1
Certified copy of the marriage between James Eckford and Millie Graham-----	6
Decision of the Commission refusing the ap- plication of James Eckford, et al., for identification as Mississippi Choctaws-----	7

-----0-----



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T. March 19, 1903.

In the matter of the application of James Eckford for the identification of himself, his wife, Millie Eckford, and his three minor children, Gertrude, James and Ava L. Eckford, as Mississippi Choctaws.

James Eckford, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A James Eckford,  
Q What is your age? A Fifty-three.  
Q What is your post office address? A Dublin, Mississippi.  
Q How long have you lived at Dublin? A 19 years.  
Q Where did you live before that? A Macon, Mississippi.  
Q Were you born there? A Yes, sir.  
Q You lived there all your life? A Yes, sir.  
Q What is your father's name? A John Eckford.  
Q Is he living? A No.  
Q What is your mother's name? A Jane.  
Q Is she living? A I don't know.  
Q Through which one of your parents do you claim your Choctaw blood? A My mother.  
Q How much Choctaw blood do you claim? A Well I don't know; my grandmother was  $3/4$  and I don't know what my mother was.  
Q Your grandmother was  $3/4$  Choctaw? A Yes.  
Q Did your grandmother's husband have any Choctaw blood? A I don't know.  
Q You don't claim anything for him? A No.  
Q That would make your mother  $3/8$  and you  $3/16$  Choctaw? A Yes, I reckon so.  
Q Has your mother, through whom you claim the right to identification, ever been recognised or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States? A No, sir.  
Q What is your father's blood? A He is a southern white man.  
Q You are sure about that? A Yes, he told me so.  
Q What is your mother's blood other than Choctaw? A I think she is of the negro race and Choctaw.  
Q She is pretty much negro? A Yes I think she was pretty dark.  
Q You say your mother claims her Choctaw blood through her mother? A Yes, sir.  
Q What was her name? A Martha Eckford.  
Q You are sure about that? A Yes, sir.  
Q What was your mother's father's name? A I don't know sir.  
Q Through which one of her parents did Martha Eckford claim her Choctaw blood? A I don't know, sir; I am not able to tell.  
Q Was your grandmother, Martha Eckford, a slave? A Yes, sir.  
Q Was your mother a slave? A Yes, sir.  
Q And you were a slave? A Yes, sir.  
Q Are you married? A Yes.  
Q Have you any minor children? A Yes.  
Q What is your wife's name? A Millie Eckford.

James Eckford -----2.

- Q Is she living? A Yes, sir.  
Q What is her blood? A About one-fourth Choctaw Indian.  
Q Do you want to make application for your wife? A No, sir.  
Q Your wife you say is one-fourth Choctaw? A Yes.  
Q What is her other blood? A Negro.  
Q Through which one of her parents did your wife derive her Choctaw blood? A Her mother.  
Q What was her name? A Minnie Graham.  
Q Is Minnie Graham living? A No, sir.  
Q What is your wife's father's name? A Tom.  
Q What is his blood? A About one-half Indian and a southern raised white man.  
Q One-half Choctaw and one-half white? A Yes.  
Q You are sure he had no negro blood? A I don't know.  
Q Is he living? A No.  
Q You say that Tom Graham had no negro blood? A I told you all I know.  
Q Was he a slave? A Yes.  
Q Was Minnie a slave? A Yes.  
Q What was her blood? A Negro.  
Q Then your wife claims her Choctaw blood through her father--not through her mother? A Yes, sir, her father--no, sir, through her mother.  
Q Now you stated a moment ago that your wife's father was part Choctaw and part white, and that your mother's mother was negro? A She claimed she was one-fourth Indian.  
Q Do you know anything about Tom Graham or Minnie Graham's parents? A No.  
Q How old is your wife? A 38 or 40.  
Q What is the names and ages of your minor children? A Gertrude, 14; James, 11, and Ava L. 8.  
Q This application then is for yourself, your wife, and three minor children? A Yes, sir.  
Q When were you married to Millie? A In 1876.  
Q Both yourself and wife were slaves? A Yes, sir; my wife was three years old when they surrendered.  
Q Have you any evidence of your marriage with you at this time? A No, sir.

It will be necessary that you furnish the Commission with proper evidence of your marriage to Millie Eckford in support of this application which you make for the identification of your minor children. This may be furnished within 30 days from this date.

- Q Is your name, or are the names of your minor children or your wife to be found on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.  
Q Did you, or did any one for you, or for your wife or minor children ever make application to the Choctaw tribal authorities to be enrolled as members of that tribe of Indians? A No.  
Q Did you, or did any one for you or for your wife or children, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the provisions act of Congress of June 10, 1896? A No, sir.  
Q Is this the first application of any description that you have ever made for the enrollment of yourself, your wife or minor children as citizens of the Choctaw Nation? A Yes, sir.

James Bokford -----3.

- Q You now appear before the Commission for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself, your wife, and three minor children, under the provisions of article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand that article? A Yes, sir.

Article fourteen reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months after the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six-hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Is that the provision of law under which you are claiming the right to identification as a Mississippi Choctaw? A Yes, sir.
- Q Were any of your Choctaw ancestors or your wife's Choctaw ancestors living in the old Choctaw Nation in Mississippi and Alabama when this treaty of 1830 was made? A I don't know.
- Q Did any of your Choctaw ancestors, or your wife's ancestors, comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A Not that I know of.
- Q Were any of your Choctaw ancestors or your wife's Choctaw ancestors recognized members of the Choctaw tribe of Indians in 1830? A I don't know.
- Q Did any of them own an improvement at that time in what constituted the old Choctaw Nation in Mississippi and Alabama? A I don't know.
- Q Did any of your or your wife's Choctaw ancestors remove from that old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation, Indian Territory, at the time of the removal of the greater portion of the Choctaw Indians between the years 1833 and 1838? A No, sir.
- Q Did any of your Choctaw ancestors, or your wife's Choctaw ancestors, within six months after the ratification of the treaty of 1830, signify to the Agent in Mississippi at that time their intention to remain in the old Choctaw Nation, to take land there and become citizens of the states? A I don't know.
- Q Did any of your Choctaw ancestors or your wife's Choctaw ancestors ever claim or receive any land from the United States government under the provisions of article fourteen of the treaty of 1830? A I don't know.

In accordance with the provisions of article fourteen of the treaty of 1830 the government directed an agent in Mississippi at that time to register the names of all these Choctaws who might desire to remain in Mississippi and comply with the provisions of that article. The records of the government

James Eckord -----4.

show that this agent failed to register and report the names of a great many Choctaws who really did signify to him an intention to remain in the old Choctaw Nation, take land and become citizens of the states. On this account, in many instances the lands on which these Indians lived and had improvements, and which they desired to have reserved for them, were sold by the government at its public land sales, and the Indians deprived of their land? This caused much complaint among the Choctaws and the matter was finally brought to the attention of Congress, and Congress, by acts passed March 3, 1837, and August 23, 1842, appointed Commissions whose duty it was to go to Mississippi and investigate the claims of these Choctaws.

- Q Did any of your Choctaw ancestors or your wife's Choctaw ancestors appear before either of these Commissions appointed in 1837 and in 1842 and attempt to establish their rights under the provisions of article fourteen of the treaty of 1830? A I don't know.

The act of Congress approved August 23, 1842, provided, that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article fourteen of the treaty of 1830, but that his land had been sold by the government, he should be entitled to select land elsewhere in the states of Mississippi, Alabama, Louisiana, or Arkansas, to be taken from vacant government land, and that a certificate to that effect should be given him. These certificates were called scrip.

- Q Did any of your Choctaw ancestors or your wife's Choctaw ancestors receive any such scrip from the government under that act of Congress? A Not that I know of.
- Q Did any of your or your wife's Choctaw ancestors ever receive any benefits as Choctaw Indians? A I don't know.
- Q So far as you know were any of your or your wife's Choctaw ancestors recognized members of the Choctaw tribe of Indians? A I don't know.
- Q Have you any witnesses you desire to call? A No.
- Q Any documentary evidence to present? A No.
- Q Do you desire time in which to present further evidence? A Yes.

You will be allowed thirty days from this date within which to introduce additional evidence in support of your claim.

- Q Do you speak or understand the Choctaw language? A No.
- Q Are there any further statements you wish to make? A No.

This applicant has the appearance of being possessed of a mixture of either white and negro or Indian and negro blood; does not speak or understand the Choctaw language. His hair is black and straight and might indicate the presence of some Indian blood. He has no knowledge of any compliance on the part of his Choctaw ancestors with the provisions of article fourteen of the treaty of 1830.

James Mokford -----5.

R. B. Nisenberg, being first duly sworn, states on his oath, that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the proceedings had in the above entitled cause on the 19th day of March, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings had on said date.

Subscribed and sworn to before me this 21st day of May, 1903.

*R. B. Nisenberg*

*Charles H. Sawyer*

Notary Public.

COPY:

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

*OS*  
--g--  
In the matter of the application of James Ekford, et al.,  
for identification as Mississippi Choctaws, M.C.R. 7142.

---: D E C I S I O N :---

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by James Ekford for himself, his wife Millie Ekford, and his three minor children, Gertrude, James Jr. and Ava L. Ekford, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that the principal applicant herein claims rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being

413



a descendant of Martha Eckford, who is alleged to have been a three-quarter blood Choctaw Indian; that Millie Eckford claims said rights by reason of being a descendant of Tom Graham, who is alleged to have been an one-half blood Choctaw Indian, and Minnie Graham, who is alleged to have been a Choctaw Indian, degree of blood not stated; and that the minor applicants herein claim said rights by reason of being descendants of all the above named ancestors.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that none of said applicant has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Martha Eckford, or Tom Graham, or Minnie Graham, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of James Ekford, Millie Ekford, Gertrude Ekford, James Ekford Jr. and Ava L. Ekford, as Cheataw Indians entitled to rights in the Cheataw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

*James Bixby.*

Chairman.

*I. B. Needles.*

COMMISSIONER.

*C. R. Breckinridge.*

COMMISSIONER.

Muskogee, Indian Territory,

DEC 5 - 1903

*W. E. Stanley.*

COMMISSIONER.



M C R 7142

Muskogee, Indian Territory, April 11, 1903.

James Eckford,

Muskogee, Indian Territory.

*Remailed. Dublin Miss - May 22 1903*

Dear Sir:

Receipt is hereby acknowledged of your letter of the 8th instant, enclosing certified copy of marriage certificate between James Eckford and Miss Milly Graham, offered in support of the application made by you for the identification of yourself and minor children as Mississippi Choctaws.

Respectfully,

Chairman.

COPY.

M.C.R. 7142

Muskogee, Indian Territory, December 5, 1903.

James Eckford,

Dublin, Mississippi.

Dear Sir:

You are hereby advised that on the 5th day of December, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of James Eckford, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and that said end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of James Eckford, Millie Eckford, Gertrude Eckford, James Eckford, Jr. and Ava L. Eckford, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office and that at the expiration of said time the papers in the

James Eckford --2

case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Registered.

Chairman.

OPY  
M C R 7142

Muskogee, Indian Territory, December 5, 1903.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 5th day of December, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of James Eckford, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of James Eckford, Millie Eckford, Gertrude Eckford, James Eckford Jr. and Ava L. Eckford, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Chairman.

COPY.

Muskogee, Indian Territory, December 21, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of James Bekford et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 5, 1903.

The Commission has the honor to report that the principal applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED).

*Tamm Bixby.*

Chairman.

Through the  
Commissioner of Indian Affairs.

3 enclosures M.C.R. 7142.

Land.  
82667-1903.

(COPY).

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON, Jan. 19, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted, herewith, for your consideration, the ~~record of proceedings had before the Commission to the Five Civil-~~  
ized Tribes in the matter of the application of James Eckford, for himself, and his wife Millie Eckford, and their three minor children, Gertrude, James Jr., and Alva Eckford, for identification as Mississippi Choctaws, wherein a decision adverse to them was rendered by the Commission December 5, 1903.

The testimony in this case shows that the applicants base their claim to identification on their descent from Jane Eckford and her mother Martha Eckford and Minnie and Tom Graham, who are alleged to have been Choctaw Indians and residents in Mississippi or Alabama at the date of the making of the Choctaw treaty of 1830.

The Commission rejected the applicants because the names of the ancestors through whom they claim do not appear on their records among the names of those who complied or attempted to comply with the provisions of the 14th article of the treaty of 1830, and for the additional reason that the applicants have never been enrolled as citizens of the Choctaw Nation.

An examination of the records of this office has been made with reference to the names of Jane and Martha Eckford and Tom and Minnie

Graham, and it is discovered that their names do not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of said treaty. Neither does it appear that they applied to either of the commissions appointed under the Acts of March 3, 1837 and August 23, 1842, for an adjudication of their rights, if any they had, as Choctaw Indians.

These being the facts in the case it is the opinion of this office that the decision of the Commission rejecting the applicants is correct, and I concur in that finding and recommend its approval.

Very Respectfully,

A. C. Tonner,

(C.T.C.) P.

Acting Commissioner.

DC.3644-1904.  
ITD.418-1904.  
L.R.S.

(COPY).

W.C.F. FHE.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON, January 27, 1904.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

December 21, 1903, you transmitted the record in the case involving the application of James Eckford, for the identification of himself, his wife Millie Eckford, and his three minor children, Gertrude, James Jr., and Ava L. Eckford, as Mississippi Choctaws, including your decision of December 5, 1903, refusing to identify them as such.

The applicants claim rights to Choctaw lands under article 14 of the Choctaw treaty of 1830, by reason of being descendants of Martha Eckford, through her daughter, Jane Eckford, mother of the principal applicant James Eckford; also of Minnie Graham and Tom Graham, parents of the principal applicant's wife Millie Eckford, it being alleged that said ancestors were possessed of Choctaw Indian blood.

Neither the evidence contained in the record, nor the records of the Indian Office, show that said ancestors complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830, or with the subsequent acts of Congress relating thereto.

Reporting in the matter January 19, 1904, the Acting Commissioner of Indian Affairs recommends that your decision rejecting



the applicants be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

M.C.R. 7142

COPY:

Muskogee, Indian Territory, February 8, 1904.

James Eckford,

Dublin, Mississippi.

Dear Sir:

You are hereby notified that on the 27th day of January, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of James Eckford et al., of which decision you were advised by registered mail on the 5th day of December, 1903.

Respectfully,

SIGNED

*I. E. Needles.*

Commissioner in Charge.

100Y1

M.C.R. 7142

Muskogee, Indian Territory, February 8, 1904.

Mansfield, McMurray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 27th day of January, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of James Bokford et al., of which decision you were advised by mail on the 5th day of December, 1903.

Respectfully,

(SIGNED)

*I. B. Needles.*

Commissioner in Charge.

No. 7142

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 19 1903  
Name James Eckford  
Age 53 Blood 3/16  
Post Office, Dublin, Miss.  
Father: John Eckford, white D.  
Mother: Jane " nega  
Choctaw.  
Claims through mother

Wife: Millie Eckford, W L 48

F Tom Graham, {Choctaw, white} D

M- Minnie Graham, (negro) D  
(claims for wife)

Children:

Gertrude Eckford 14

James " 11

Ava L " 8

(Claim for self + wife + 3  
minor children.)

Stenographer R B Eisenberg

FOR IDENTIFICATION

A MISSOURI DEED BOOK

James B. Ekford, et al

1881

27

42

43

44

45

Choctaw MCR 7143

Sam Harper

MCR 7143

#7143

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T. March 19, 1903.

In the matter of the application of Sam Harper for the identification of himself as a Mississippi Choctaw.

Appearance: Thomas & Harrison, Attorneys for Applicant.

Sam Harper, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Sam Harper.  
Q How old are you? A Twenty-four.  
Q What is your post office address? A Council Bluffs, Iowa.  
Q Have you an Attorney? A Yes, sir.  
Q How long have you lived at Council Bluffs? A One year.  
Q Where did you live before that? A In York County, Nebraska.  
I lived there all my life until I went to Iowa.  
Q What is your father's name? A Frank Harper.  
Q Is he living? A Yes, sir.  
Q What is your mother's name? A Martha.  
Q Is she living? A Yes.  
Q Through which one of your parents do you claim your Choctaw blood? A My father.  
Q How much Choctaw blood do you claim? A One-eighth.  
Q Has your father, through whom you claim the right to identification as a Mississippi Choctaw, ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States? A No.  
Q Through which one of his parents did your father derive his Choctaw blood? A His father.  
Q What was his father's name? A Baldwin Harper.  
Q What was his mother's name? A Parmelia.  
Q Do you know through which parent Baldwin Harper claimed his Choctaw blood? A His father, Charles Harper.  
Q He was your great-grandfather? A Yes.  
Q And that is the ancestor through whom you claim? A Yes, sir.  
Q You are not able to trace your ancestry any further back? A No.  
Q Are you married? A No, sir.  
Q Then this application is for yourself, alone? A Yes.  
Q Have you any evidence of the marriage of your father and mother with you? A No, sir.  
Q Has your father made application to the Commission to be identified as a Mississippi Choctaw? A Yes, sir.  
Q Did he file evidence of his marriage with his application? A I don't know.

The evidence of your father's marriage has not been filed

Sam Harper -----2.

by your father with his application, and it will be necessary that you furnish the Commission with this evidence of the marriage of your parents in support of your claim.

- Q Is your name to be found on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No.
- Q Did you, or did any one for you, ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as a member of that tribe of Indians? A No.
- Q Did you, or did any one for you, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No, sir.
- Q Is this the first application of any description for citizenship or enrollment in the Choctaw Nation that has been made by you or in your behalf? A Yes, sir.
- Q You appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the provisions of article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand that article? A Yes, sir.

It reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the date of the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six-hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Is that the provision of law under which you are claiming the right to identification as a Mississippi Choctaw? A Yes.
- Q What is the name of your Choctaw ancestor through whom you claim this right? A Charles Harper.
- Q Did Charles Harper, or any other of your Choctaw ancestors, ever comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A I don't know.
- Q Was Charles Harper or any of your Choctaw ancestors living in the old Choctaw Nation when this treaty was made? A I don't know.
- Q Was Charles Harper or any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians at that time? A I don't know.
- Q Did any of your Choctaw ancestors own an improvement in 1830 in what constituted the old Choctaw Nation in Mississippi and Alabama? A I don't know.



Sam Harper -----3.

- Q Did any of your Choctaw ancestors remove from that old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation, Indian Territory, at the time of the removal of the greater portion of the Choctaw Indians between the years 1833 and 1838? A I don't know.
- Q Did any of your Choctaw ancestors, within six months after the ratification of the treaty of 1830 signify to the Agent in Mississippi at that time an intention to remain in the old Choctaw Nation, take land there and become citizens of the states? A I don't know.
- Q Did any of your Choctaw ancestors ever claim or receive any land from the United States government under the provisions of article fourteen of the treaty of 1830? A I don't know.

In accordance with the provisions of article fourteen of the treaty of 1830 the government directed an Agent in Mississippi at that time to register the names of all those Choctaws who might desire to remain in Mississippi and comply with the provisions of that article. The records of the government show that this agent failed to register and report the names of a great many Choctaws who really did signify to him their intention to remain in the old Choctaw Nation, to take land there, and become citizens of the states. On this account, in many instances, the lands on which these Indians lived and had improvements, and which they desired to have reserved for them, were sold by the government at its public land sales and the Indians deprived of their land. This caused much complaint among the Choctaws and the matter was finally brought to the attention of Congress, and Congress, by acts passed March 3, 1837, and August 23, 1842, appointed Commissions whose duty it was to go to Mississippi and investigate these claims.

- Q Did any of your Choctaw ancestors ever appear before either of these Commissions appointed in 1837 and in 1842 and attempt to establish their rights under the provisions of article fourteen of the treaty of 1830? A I don't know.

The act of Congress approved August 23, 1842, provided, that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article fourteen of the treaty of 1830, but that his land had been sold, he should be entitled to select land elsewhere in the states of Mississippi, Alabama, Louisiana, or Arkansas, to be taken from vacant government land, and that a certificate to that effect should be given him. These certificates were called scrip.

- Q Did any of your Choctaw ancestors receive any such scrip from the government under that act of Congress? A I don't know.
- Q So far as you know did any of your Choctaw ancestors ever receive any benefits from the government as Choctaw Indians? A No, sir.
- Q Have you any witnesses? A No.
- Q Have you any documentary evidence to present? A No.
- Q Do you desire time in which to present further evidence? A Yes.

Sam Harper -----4.

Thirty days time from the date of this application will be allowed within which to introduce additional evidence in support of your claim.

- Q Do you speak or understand the Choctaw language? A No, sir.  
Q Several of your relatives have appeared to-day have they not claiming under the same common ancestor as yourself? A Yes, sir.  
Q What are their names? A Frank Harper, my father, and Richard Harper, my uncle.  
Q Any others? A Annie Acton, my aunt.  
Q Several others have appeared? A Yes.  
Q You desire your case considered with theirs? A Yes.

This applicant has the appearance of being a white man; shows no indication of possessing Choctaw Indian blood; has brown hair, brown eyes; has no knowledge of any compliance on the part of his Choctaw ancestors with the provisions of article fourteen of the treaty of 1830.

R. B. Eisenberg, being first duly sworn, states on his oath, that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on the 19th day of March, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings had on said date.

*R. B. Eisenberg*

Subscribed and sworn to before me this 21st day of May, 1903.

*Charles H. Sawyer*

Notary Public.

M C R 7143

Muskogee, Indian Territory, November 6, 1903.

Sam Harper,

Council Bluff, Iowa.

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of your application for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison

Attorneys-at-Law,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission has this day notified Sam Harper that he will be allowed thirty days from this date in which to submit further evidence in support of his application for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Commissioner in Charge.

M C R 7143

Muskogee, Indian Territory, March 19, 1904.

Sam Harper,

Council Bluffs, Iowa.

Dear Sir:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which your application for identification as a Mississippi Choctaw was made a part, refusing said application.

You are further advised that a copy of such decision has been furnished your attorneys of record, Thomas & Harrison, Muskogee, Indian Territory; that the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted to the Secretary of the Interior for his consideration with such argument and brief as may be submitted by your attorneys.

Respectfully,

Registered.

Commissioner in Charge.

M C R 7143

Muskegee, Indian Territory, June 26, 1905.

Sam Harper,

Council Bluffs, Iowa.

Dear Sir:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 19th day of March, 1904.

Respectfully,

Chairman.

19

No.

7143

## FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 19 1903

Name

Sam Harper

Age

24

Blood

1/8

Post Office,

Council Bluffs Iowa

Father:

Frank Harper

L

Mother:

Martha

L

Claims through

father

Children:

(Claims for self alone)

S. B. E. 1903

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.

R. 714

*Sam Harper*

DECISION RENDERED

MAR 4 1904

COPY OF DECISION

MAR 4 1904

ATTORNEY FOR CHOCTAW

CHICKASAW NATIONS

NOTICE OF DECISION MAILED APPLICANT. MAR 19 1904

COPY OF DECISION FORWARDED  
ATTORNEY FOR APPLICANT.

MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED BY  
SECRETARY OF INTERIOR.

MAR 30 1905

NOTICE OF DEPARTMENTAL  
ACTION MAILED APPLICANT.

JUN 26 1905

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT.

JUN 26 1905

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

JUN 26 1905

REFER TO M. C. R. 5370



Choctaw MCR 7144

Wilburn Harper

MCR 7144

#7144.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T. March 19, 1903.

-----

In the matter of the application of Wilburn Harper for the identification of himself and minor child, Wilburn Harper, Jr., as Mississippi Choctaws.

Wilburn Harper, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Wilburn Harper.
- Q How old are you? A Sixty-six.
- Q What is your post office address? A Beloit, Kansas.
- Q How long have you lived in Kansas? A Forty-four years.
- Q Where did you live before that? A In Indiana, but was born in Illinois and moved from Illinois to Indiana, and then to Kansas.
- Q What is your father's name? A Reuben Harper.
- Q Is he living? A No, sir.
- Q What is your mother's name? A Maria Harper.
- Q Is she living? A No.
- Q Through which parent do you claim your Choctaw blood? A My father's side.
- Q How much Choctaw blood do you claim? A One-fourth.
- Q Has your father, through whom you claim your right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States? A I don't know.
- Q Through which one of his parents did your father claim his Choctaw blood? A Through his father.
- Q What was his father's name? A Charles Harper.
- Q What was the name of the wife of Charles Harper? A I used to know; I am so forgetful.
- Q She was a white woman and claimed no Choctaw blood? A I don't know.
- Q How much Choctaw blood did Charles Harper have; was he a full blood? A That is what I understand.
- Q Do you know the names of the parents of Charles Harper? A No, sir.
- Q You are not able to trace your ancestry any further back than Charles Harper? A No.
- Q Are you married? A Yes, sir.
- Q What is your wife's name? A Annie Harper.
- Q Is she living? A Yes, sir.
- Q She is a white woman? A Yes.
- Q You make no claim for her? A No.
- Q Have you any minor children for whom you wish to apply? A Yes, one.
- Q What is the name and age of that child? A Wilburn, Jr., 14 years old.
- Q Are you the father of this child? A Yes, sir.

Wilburn Harper -----2.

- Q And Annie Harper is the mother? A Yes, sir.  
Q Does this child claim through you? A Yes.  
Q This application then is for yourself and minor child? A Yes.  
Q Have you the evidence of your marriage to Annie Harper with you at this time? A No.

It will be necessary that you furnish the Commission with evidence of your marriage to Annie Harper in support of the application which you make for the identification of your minor child. This evidence may be furnished within 30 days.

- Q Have you any evidence of the marriage of your father and mother with you? A No.

It will also be necessary to furnish the Commission with proper evidence of the marriage of your father and mother in support of the application which you make for yourself.

- Q Is your name or the name of this minor child to be found on any of the tribal rolls of the Choctaw Nation in Indian Territory?  
A No.  
Q Did you, or did any one for you, or for this minor child, make application to the Choctaw tribal authorities in Indian Territory to be enrolled as members of that tribe of Indians? A No, sir.  
Q Did you, or did any one for you, or for your minor child, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No, sir.  
Q Is this the first application of any description for citizenship or enrollment that has ever been made by you or on your behalf?  
A Yes, sir.  
Q Do you appear before the Commission at this time claiming rights in the Choctaw lands in Indian Territory for yourself and minor child under the provisions of article fourteen of the treaty of 1830? A Yes, sir.  
Q Do you understand that article? A Yes, sir.

Article fourteen reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months after the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six-hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Wilburn Harper. ----3.

- Q Is that the provision of law under which you are claiming the right to identification as a Mississippi Choctaw? A Yes, sir.
- Q When were your father and mother married? A I could not give a definite answer until I study; I am the oldest.
- Q Your father and mother were married subsequent to 1830? A Yes.
- Q Did any of your Choctaw ancestors comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A No.
- Q What is the name of the Choctaw ancestor through whom you claim the right to identification? A Charles Harper.
- Q Was Charles Harper, or any of your Choctaw ancestors, living in the old Choctaw Nation in 1830 when this treaty was ratified? A I don't know.
- Q Was Charles Harper or any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians at that time? A I don't know.
- Q Did any of your Choctaw ancestors own an improvement at that time upon what constituted the old Choctaw Nation in Mississippi and Alabama? A I don't know.
- Q Did any of your Choctaw ancestors, within six months after the ratification of the treaty of 1830 signify to the Agent in Mississippi at that time an intention to remain in the old Choctaw Nation, take land there and become citizens of the states? A I don't know.
- Q Did any of your Choctaw ancestors ever receive or claim any land from the United States government under the provisions of article fourteen of the treaty of 1830? A I don't know anything about that.
- Q Did any of your Choctaw ancestors remove from that old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation, Indian Territory, at the time of the removal of the greater portion of the Choctaw Indians between the years 1833 and 1838? A I don't know.

In accordance with the provisions of article fourteen of the treaty of 1830 the government directed an Agent in Mississippi to register the names of all those Choctaws who might desire to remain in the old Choctaw Nation and comply with the provisions of that article. The records of the government show that this agent failed to register and report the names of a great many Choctaws who really did signify to him their intention to remain in the old Choctaw Nation, take land there and become citizens of the states. On this account, in many instances, the lands on which these Indians lived and had improvements, and which they desired to have reserved for them, were sold by the government at its public land sales and the Indians deprived of their land. This caused so much complaint among the Choctaws that the matter was finally brought to the attention of Congress, and Congress, by acts passed March 3, 1837, and August 23, 1842, appointed Commissions whose duty it was to go to Mississippi and investigate these claims.

- Q Did any of your Choctaw ancestors appear before either of these Commissions appointed in 1837 and in 1842 and attempt to establish claims under the provisions of the fourteenth article of the treaty of 1830? A I don't know.

Wilburn Harper -----4.

The act of Congress approved August 23, 1842, provided, that incase it should be finally determined that a Choctaw had complied in all respects with the provisions of article fourteen of the treaty of 1830, but that his land had been sold by the government, he should be entitled to select land elsewhere in the states of Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant government land, and that a certificate to that effect should be given him. These certificates were called scrip.

- Q Did any of your Choctaw ancestors receive any such scrip from the government under that act of Congress? A No.
- Q So far as you know did any of your Choctaw ancestors receive any benefits from the United States government as Choctaw Indians? A No.
- Q Have you any witnesses? A No.
- Q Have you any documentary evidence to present? A No.
- Q Have some of your relatives appeared before the Commission to-day and made application? A Yes, sir.
- Q Who have appeared? A My brother, William Harper.
- Q What are the names of some other of your relatives who have appeared? A My cousin, Frank Harper.
- Q Do you desire your case considered with their's? A Yes, sir.
- Q Have you any children over age or married? A Two.
- Q Are they married? A One of them.
- Q What is his name? A Louis.
- Q What is his wife's name? A Eunice.
- Q What are the names of their children? A Wilburn and Nellie.
- Q What is the name of your other son? A John.
- Q Have either of your sons appeared before the Commission? A No.
- Q Do you speak or understand the Choctaw language? A No.
- Q Are there any further statements you wish to make? A Not that I know of.

Applicant has the appearance of being a white man; shows no indication of possessing Choctaw Indian blood; has dark complexion; hair gray--formerly auburn, blue eyes; has no knowledge of any compliance on the part of his Choctaw ancestors with the provisions of article fourteen of the treaty of 1830.

R. B. Eisenberg, being first duly sworn, states on his oath that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on the 19th day of March, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings had on said date.

*R. B. Eisenberg*

Subscribed and sworn to before me this 21st day of May, 1903.

*Charles H. Sawyer*

Notary Public.

M C R 7358  
M C R 7144

Muskogee, Indian Territory, April 16, 1903.

R. M. Anderson,  
Beloit, Kansas.

Dear Sir:

Receipt is hereby acknowledged of certified copy of marriage record between Ruben Harper and Mariah Low, and certified copy of marriage license and certificate between Willard Harper and Anna Poelma, offered in support of the application made by Wilburn Harper for the identification of himself and minor child as Mississippi Choctaws.

Also certified copy of marriage license and certificate between Lewis Harper and Eunice J. Wilson, offered in support of the application made by Louis Harper for the identification of himself and minor children as Mississippi Choctaws.

The above mentioned documents have been filed in the respective cases.

Respectfully,

Commissioner in Charge.

M.C.R. 7144.

Muskogee, Indian Territory, November 6, 1903.

Wilburn Harper,

Beloit, Kansas.

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of yourself and minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M.C.R. 7144.

Muskogee, Indian Territory, November 6, 1903.

R. M. Anderson,  
Attorney-at-Law,  
Beloit, Kansas.

Dear Sir:

You are hereby advised that the Commission has this day notified Wilburn Harper that he will be allowed thirty days from this date in which to submit further evidence in support of the application of himself and minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.



M. C. R. 7144

Muskogee, Indian Territory, March 19, 1904.

Wilburn Harper,  
Beloit, Kansas,

Dear Sir:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which the application made by you for the indentification as Mississippi Choctaws of yourself and your minor child, Wilburn Harper Jr. , was made a part, refusing said application.

You are further advised that a copy of such decision has been furnished your attorneys of record, Messers. Thomas & Harrison, Muskogee, Indian Territory; that the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted, together with such argument and brief as may be submitted by your attorneys, to the Secretary of the Interior for his consideration.

Respectfully,

Registered

Commissioner in Charge.

M C R 7144

Muskogee, Indian Territory, June 26, 1905.

William Harper,  
Beloit, Kansas.

Dear Sir:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Harper, et al., of which decision you were advised by registered mail on the 19th day of March, 1904.

Respectfully,

Chairman.

No.

5441

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 19 1903

Name *Wilburn Harper*

Age *66* Blood *1/4*

Post Office, *Beloit, Kansas.*

Father: *Reuben Harper.* *L*

Mother: *Maria* " *D*

Claims through *Father*

Wife: *Annie Harper.* *L*  
(*No claim for her*)

Children:

*Wilburn Harper Jr 14.*

(*Claims for self & one child*)

Stenographer

*R. B. Eisenberg*

OLD  
NATION AS  
A MISSISSIPPI-CHOCTAW.

R. 71

Wilburn Harper, et al

DECISION RENDERED.

MAY 14 1904

FOR CHICKASAW NATIONS

NOTICE OF DECISION FOR APPLICANT.

MAY 13 1904

ATTORNEY FOR APPLICANT.

MAY 14 1904

RECORD FORWARDED DEPARTMENT:

JUN 13 1904

ACTION APPROVED BY  
SECRETARY OF INTERIOR

MAR 30 1905

NOTICE OF DEPARTMENTAL  
ACTION MAILED APPLICANT:

JUN 26 1905

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT:

JUN 26 1905

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

JUN 26 1905

Choctaw MCR 7145

Isaac Molond

MCR 7145

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---0---

In the matter of the application of Isaac Molond, et al.,  
for identification as Mississippi Choctaws.

M.C.R. 7145.

List of papers forwarded to the Secretary of the Interior  
comprising the record in the above case.

	(Page)
Original application of Isaac Molond, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Decision of the Commission refusing the ap- plication of Isaac Molond, et al., for iden- tification as Mississippi Choctaws-----	5

-----0-----

#7145.

Department of the Interior,  
Commission to the Five Civilized Tribes.  
Muskogee, Indian Territory,  
March 20, 1903.

In the matter of the application of Isaac Molond for the identification of himself and his six minor children, Shelly, David, Azora, Joe, Lula May and Elton Molond, as Mississippi Choctaws.

S. W. Isaac, attorney for applicants.

Isaac Molond being duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Isaac Molond.  
Q What is your age? A Thirty-seven.  
Q What is your post office address? A Pittsburg, Texas.  
Q How long have you lived there? A All my life.  
Q Is your father living? A No sir.  
Q Is your mother living? A No sir.  
Q What was your father's name? A Isaac Molond, I was named after my father.  
Q What was your mother's name? A Isabella Molond.  
Q Do you claim through your father or mother? A Mother.  
Q How much Choctaw blood do you claim? A One fourth.  
Q Was your mother one half Choctaw? A Yes sir.  
Q What was your mother's maiden name? A Isabella Mingo.  
Q Were your father and mother slaves at one time? A Yes sir.  
Q Both of them? A Yes sir.  
Q Are you married? A Yes sir.  
Q What is your wife's name? A Emma Molond.  
Q She is living? A Yes sir.  
Q A colored woman? A Yes sir.  
Q Do you claim for her? A No sir.  
Q Give me the name of your oldest child? A Shelly.  
Q Boy? A Girl.  
Q How old is Shelly? A Nine years old.  
Q The next? A David.  
Q How old? A Eight.  
Q The next? A Azora.  
Q A girl? A Yes sir.  
Q How old? A Seven.  
Q The next? A Joe.  
Q How old? A Four.  
Q The next? A Lula May.  
Q How old? A Two.  
Q The next? A Elton.  
Q How old is Elton? A Three years old.  
Q Is that all? A That is all.  
Q You claim for yourself and these six children? A Yes sir.  
Q Is your wife, Emma, the mother of these children? A Yes sir.  
Q When were you married and where? A I was married in '94, in Pittsburg, Texas.  
Q Have you the proof of your marriage to your wife with you?  
A No sir.  
Q Were you married by a minister under a license? A Yes sir.

Isaac Molond-----2

- Q Is your name or are the names of these children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children either to the Choctaw tribal authorities in the Indian Territory or to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
- Q Do you come before the Commission now to be identified with your children as Mississippi Choctaws? A Yes sir.
- Q Do you claim under article 14 of the treaty of 1830, or dont you understand that article? A I dont understand that article.

In 1830, 73 years ago, a treaty was made between the United States government and the Choctaw tribe of Indians, who at that time lived in the old Choctaw Nation partly in Mississippi and partly in Alabama. A treaty is an agreement or compact in writing made between nations, and an article in a treaty is one of its paragraphs or subdivisions. This treaty of 1830, which was made at Dancing Rabbit Creek in Mississippi, was made for the purpose of removing the Choctaw Indians from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, where they now are. Where they used to live previous to the making of that treaty their rights were not protected by the government in a proper way, and that is why the government desired to remove them, but before the treaty was signed it became known that a good many Indians would not go to the Choctaw Nation, Indian Territory, under the treaty, and in order to protect the interests of those Indians who stayed back in the old Choctaw Nation article 14 was drafted and put into the treaty of 1830. As I have stated an article in a treaty is one of its paragraphs. Now this article 14 under which you are all claiming is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Now, that is article 14 of the treaty of 1830; do you know whether any of your Choctaw ancestors complied or attempted to comply with the provisions of that article or not? A I do not.



Isaac Molond-----3

- Q What is the name of your ancestor through whom you make your claim today to be identified as a Mississippi Choctaw? A Easter Mingo.
- Q That was a man or woman? A A woman.
- Q What relation to you was she? A Grandmother.
- Q How much Choctaw blood did she have? A A full blood.
- Q Do you know anything about her husband? A No sir, I do not.
- Q Whether he had any Choctaw blood or not, or ~~whether he had~~ who he was? A No sir, I do not.
- Q You claim through your mother, Isabella, whose maiden name was Mingo, and she claimed her Choctaw blood through Easter Mingo, her mother? A Yes sir.
- Q Do you know anything about your grandmother's father or mother? A No sir.
- Q Did Easter Mingo live in Mississippi or Alabama in 1830, and have a family there then? A She lived in Mississippi, I don't know what year.
- Q You don't know whether she lived there in 1830 and had a family there then? A No sir, I think though she did, - yes sir, Easter Mingo did from what I have heard my mother say, and family records.
- Q You know she did from what your mother said? A Yes sir.
- Q Did Easter Mingo speak Choctaw? A Yes sir.
- Q Do you know whether she had any other name than Easter Mingo? A No sir.
- Q Did she within six months after the treaty of 1830 was ratified go to the United States Indian Agent, Colonel Ward, and tell him she wanted to stay in Mississippi, take land there, and become citizens of the states? A Not that I know of.
- Q Did she or any other Choctaw ancestor of yours live on land in that old Choctaw Nation either in Mississippi or Alabama, for five years and then receive a patent from the government for that land? A Not as I know of.
- Q Did she or any other Choctaw ancestor of yours go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838? A Not as I know of.
- Q Or at any other time between the ratification of the treaty of 1830 and the date of this application made by you today? A Not as I know of.
- Q Did any of them own any improvements on land in the old Choctaw Nation in 1830? A Not as I know of.
- Q Did any of your Choctaw ancestors go before the Commission of 1837, appointed by an act of Congress approved March 3rd of that year, or before a commission appointed by an act of Congress approved August 23rd, 1842, and claimed any benefits under article 14 of the treaty of 1830? A Not as I know of.

These different commissions were appointed under various acts of congress for the purpose of hearing complaints of Choctaw Indians who tried to register under Colonel Ward under article 14 of the treaty of 1830, at his agency in Mississippi, but were denied the right to register by Colonel Ward, although they went before him within six months after the treaty of 1830 was ratified, and because they tried to register and were not allowed to do so their land in the old Choctaw Nation was afterwards taken from them by the government and sold at its public land sales.

- Q Did any of your Choctaw ancestors go before either of these two commissions? A Not as I know of.

Isaac Molond-----4

Q Did any of them receive any scrip or certificates from the government issued under an act of Congress approved August 23rd, 1842? A Not as I know of.

This scrip or these certificates were issued to Choctaw Indians who proved their rights under article 14, and also proved their lands had been taken from them by the government in the old Choctaw Nation and sold at its public land sales.

Q Do you understand or speak the Choctaw language? A No sir.  
Q Have any of your relatives been before the Commission to be identified as Mississippi Choctaws? A No sir.

Thirty days time is allowed this applicant in which to introduce other proof in this case if he desires.

By S W Isaac, attorney for applicant:

Q What was Easter's father's name? A Just Mingo is all I know; I never did know any other name.

Q Do you know her mother's name? A No sir, I don't know anything about her mother, no more than Mingo.

By the Commission: This applicant appears to be descended from negro parentage; black eyes, black hair; does not understand the Choctaw language. His parents were slaves.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Muskogee, Indian Territory, on the 20th day of March, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

Subscribed and sworn to before me this 31 day of March, 1903.

*Charles H. Sawyer*

Notary Public.

149

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

--o--

In the matter of the application of Isaac Molend, et al.,  
for identification as Mississippi Choctaws, M.C.R. 7145.

---: D E C I S I O N :---

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Isaac Molend for himself and his six minor children, Shelly, David, Azera, Joe, Lula May and Elton Molend, under the following provisions of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-

seventh, eighteen hundred and thirty, by reason of being descendants of Easter Minge, who is alleged to have been a full-blood Choctaw Indian.

It appears from the testimony of the principal applicant that they claim from more remote ancestors than the one above given, in the persons of the mother and father of said ancestor, but as they are only able to give the surnames of these ancestors and do not allege that they possessed Choctaw blood, it is, therefore, impossible for the Commission to determine whether or not these ancestors were beneficiaries under the provisions of article fourteen of the treaty of "Dancing Rabbit Creek."

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Easter Minge, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the pre-

visions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats. 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Isaac Molond, Shelly Molond, David Molond, Azera Molond, Joe Molond, Lula May Molond and Elton Molond, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

*James Dixey.*  
Chairman.

*I. B. Needles.*  
COMMISSIONER.

*C. R. Brockinridge.*  
COMMISSIONER.

*W. E. Stanley.*  
COMMISSIONER.

Muskogee, Indian Territory,

AUG 8 1903

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory,  
April 11, 1903.

-1-

Received of the Commission to the Five Civilized Tribes  
the testimony in the following Mississippi Choctaw

W. Cooper, et al.,	M C R 6666
Albert Floyd, et al.,	" 6667
Malond, et al.,	" 7145
ard Bolton, et al.,	" 7146
rt A. Caldwell, et al.,	" 7404
elia A. Smith,	" 6642
copy of testimony of Solomon	
and J. B. Bickerstaff in	" 6642

*J. C. K. K. K.*  
*att. for claimant*

M C R  
7145 6667  
9146 6666

Muskogee, Indian Territory, May 11, 1903.

J. A. Hurley,  
Sulphur Springs, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 6th instant, returning to this Commission copies of testimony in the following Mississippi Choctaw cases:

Isaac Molond,	M C R 7145
James Albert Floyd,	M C R 6667
Richard Bolton,	M C R 7146
Jessie W. Cooper,	M C R 6666.

Respectfully,

Commissioner in Charge.

COPY.

Muskogee, Indian Territory, August 8, 1903.

Isaac Molond,

Pittsburg, Texas.

Dear sir:-

You are hereby advised that on the 8th day of August 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Isaac Molond, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provisions of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Isaac Molond, Shelly Molond, David Molond, Asera Molond, Joe Molond, Lula May Molond and Elton Molond, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."



I.M. 2.

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*T. B. Needles.*

Commissioner in Charge.

Registered.

M. C.R. 7145.

OPY!

Muskogee, Indian Territory, August 8, 1903.

S. W. Isaac,  
Attorney-at-Law,  
Muskogee, Indian Territory.

Dear Sir:-

You are hereby advised that on the 8th day of August 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Isaac Molond, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Isaac Molond, Shally Molond, David Molond, Asora Molond, Joe Molond, Lula Molond and Elton Molond, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

S.V.I. 2.

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

*T. B. Needles.*

Commissioner in Charge.

Registered.

COPY.

Muskogee, Indian Territory, August 8, 1903.

Mansfield McMurry & Cornish,  
Attorneys for the Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:-

You are hereby advised that on the 8th day of August 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Isaac Molond, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495):

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Isaac Molond, Shelly Molond, David Molond, Amora Molond, Joe Molond, Lula May Molond and Elton Molond, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*T. B. Needles.*  
Commissioner in Charge.

Cc-Y.

Muskogee, Indian Territory, August 24, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Isaac Melend, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of August 8, 1903.

The Commission has the honor to report that the principal applicant herein, his attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED)

17

*T. B. Neelands,*

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

2 Enc. M C R 7145.

(COPY)

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, November 9, 1903.

Land.  
55274-1903.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith, for your consideration, the record and proceedings of the Commission to the Five Civilized Tribes, in the matter of the application of Isaac Molond, for himself and his six minor children, Shelly, David, Azora, Joe, Lula M., and Elton Molond, for identification as Mississippi Choctaws, claiming rights as such under the provisions of the fourteenth article of the Choctaw treaty of 1830.

The record evidence in this case shows that the applicants base their claim to identification on their descent from Easter Mingo, who, it is alleged, was a full blood Choctaw Indian, and resided in Mississippi or Alabama at the time of the making of the Choctaw treaty of 1830.

The Commission rejected the applicants August 8, 1903, because the name of the ancestor through whom they claim does not appear on their records among the names of those who complied or attempted to comply with the provisions of the fourteenth article of the Choctaw treaty of 1830; nor

does it appear to them that she presented a claim to rights as a Choctaw Indian to either of the Commissions appointed to adjudicate the claims of those having such rights, and for the additional reason that the applicants have never been enrolled as citizens of the Choctaw Nation.

An examination of the records of this office has been made with reference to the name of Easter Mingo and it is discovered that her name does not appear among the names of those who complied or attempted to comply with the provisions of the said article and treaty, nor does it appear that she applied to the Commissions appointed under the acts of March 3, 1837 and August 23, 1842, for an adjudication of her claims, if any she had, as a Choctaw Indian.

It is therefore the opinion of this office that the decision of the Commission rejecting the applicants is correct, and I concur in that finding and recommend its approval.

Very respectfully,

W. A. Jones,  
Commissioner.

CTC-0.

(COPY)

WCF  
FHE

DEPARTMENT OF THE INTERIOR,

WASHINGTON, December 15, 1903.

D.C. 34736-1903.

ITD. 8058-1903.

L.R.S.

Commission to the

Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

August 24, 1903, you transmitted the record in the case involving the application of Isaac Molond, for the identification of himself and his six minor children, Shelly, David, Azora, Joe, Lula May and Elton Molond as Mississippi Choctaws, including your decision of August 8, 1903, refusing to identify them as such.

The applicants base their claim to a right to identification as Mississippi Choctaws on their descent from Easter Mingo, grandmother of the principal applicant, it being alleged that said ancestor was a full blood Choctaw Indian and resided in Mississippi or Alabama in 1830.

It does not appear from the evidence furnished by the record, or from the records of the Indian Office, that said ancestor ever complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830, or the subsequent acts of Congress relating thereto.



Reporting November 9, 1903, the Commissioner of Indian Affairs recommends that your decision rejecting the applicants be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is accordingly affirmed.

Respectfully,

Thos. Ryan,

Acting Secretary.

M. C. R. 7145.

COPY.

Muskogee, Indian Territory, December 23, 1903.

Isaac Molond,  
Pittsburg, Texas.

Dear Sir:-

You are hereby notified that on the 15th day of December 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Isaac Molond, et al., of which decision you were advised by registered mail on the 8th day of August, 1903.

Respectfully,

(SIGNED)

*Tams Bixby.*  
Chairman.

M.C.R. 7145.

COPY:

Muskegee, Indian Territory, December 23, 1903.

S. W. Isaac,

Attorney at Law,

Muskegee, Indian Territory.

Dear Sir:-

You are hereby notified that on the 15th day of December, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Isaac Molond, et al., of which decision you were advised by registered mail on the 8th day of August, 1903.

Respectfully,

(SIGNED)

*Tams Dixby.*  
Chairman.

M.C.R. 7145.

COPY.

Muskogee, Indian Territory, December 23, 1903.

Mansfield, McMurray & Cornish,  
Attorneys for the Choctaw & Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:-

You are hereby notified that on the 15th day of December 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Isaac Molond, et al., of which decision you were advised by mail on the 8th day of August, 1903.

Respectfully,

(SIGNED)

*Tams Bixby.*  
Chairman.

7145

No. 7145

## FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

Name Isaac Molond.

Age 37

Blood 1/4

Post Office, Pittsburg, Tex.

Father: Isaac Molond, d

Mother: Isabella " d

Claims through mother 1/2 in  
wife

Emma Molond, b. neg.

No claim for wife.

Children:

Shelly Molond F. 9

David " 8

Agora " F. 7

Joan " 4

Elton " 3

Lula May " 2

Claims for self  
and 6 children

Stenographer W. H. Martin.

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.

Osage Mound, et

ACTION

BY THE SUPERIOR

IN THE CASE

NO

FOR CHOCTAW

IN THE STATE OF MISSISSIPPI.

1884

Choctaw MCR 7146

Richard Bolton

MCR 7146

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

--0--

In the matter of the application of Richard Bolton, et al.,  
for identification as Mississippi Choctaws, M.C.R. 7146.

List of papers forwarded to the Secretary of the Interior  
comprising the record in the above case.

	(Page)
Original application of Richard Bolton, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Decision of the Commission refusing the applica- tion of Richard Bolton, et al., for identification as Mississippi Choctaws-----	5

---0---



#7146.

Department of the Interior,  
Commission to the Five Civilized Tribes.  
Muskogee, Indian Territory,  
March 20, 1903.

In the matter of the application of Richard Bolton for the identification of him self and his TWELVE minor children, Isaiah, Oscar, Louvenia, Estella, Pearlle, Lula D., Willie, Teason, Shelly, Richard Jr., Lillie, and Otto Bolton, as Mississippi Choctaws.

S. W. Isaac, attorney for applicants.

Richard Bolton being duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Richard Bolton.  
Q What is your age? A Forty-three.  
Q What is your post office address? A Pittsburg, Texas.  
Q How long have you lived there? A All my life.  
Q Is your father living? A No sir.  
Q Is your mother living? A No sir.  
Q What was your father's name? A Dick Bolton.  
Q What was your mother's name? A Celia Ann Jones.  
Q That was her maiden name? A Yes sir.  
Q Do you claim through your father or mother? A My mother.  
Q How much Choctaw blood do you claim? A One eighth.  
Q Do you claim your mother was one quarter Choctaw Indian? A Yes sir.  
Q Has she ever been recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A Not as I know of.  
Q Is your wife living? A Yes sir.  
Q What is her race? A Colored.  
Q Were your parents slaves at one time? A Yes sir.  
Q And you were? A I was always free born.  
Q You are forty-three years old? A My father was a slave.  
Q And your mother too? A Yes sir.  
Q You were a little child when the act of emancipation occurred? A But you were born before that time I presume? A Yes sir, I suppose so.  
Q What is your wife's name? A Florry Bolton.  
Q Do you claim anything for your wife? A No sir.  
Q How many children have you under age? A Twelve.  
Q Give their names and ages? A Isaiah Bolton, 19; Oscar, 18; Louvenia, 17; Estella, 15; Pearlle, 14; Lula D., 13; Willie, 9;  
Q A boy? A Yes sir; Teason, 8;  
Q Boy or girl? A Girl; Shelly, girl, 6; Richard Jr., 4; Lillie, 3; Otto, 1.  
Q Is your wife, Florry, the mother of these children? A Yes sir.  
Q Have you the proof of your marriage to your wife with you? A No sir, not in writing.  
Q When were you married to her? A 1883.  
Q What day of the month? A I don't remember.  
Q What place? A Camp County, Pittsburg, Texas.  
Q By a minister under a license? A Yes sir.  
Q Is your name or are the names of any of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.

Richard Bolton-----2

- Q Have you ever made application for citizenship in the Choctaw Nation, either to the Choctaw tribal authorities in the Indian Territory or to the Commission to the Five civilized Tribes under the act of Congress of June 10, 1896, for your self and children? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by any authority whatever up to the present time? A No sir.
- Q Do you come before the Commission at this time to make application for the identification of yourself and these children as Mississippi Choctaws? A Yes sir.
- Q Do you claim under article 14 of the treaty of 1830? A I dont know sir.

Article 14 is as follows:

"each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with himover ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q That is article 14 of the treaty of 1830, and is the only authority there is under which you can make this claim today; do you think you understand that well enough to claim under it as you have heard it explained here to day before? A Yes sir.
- Q Do you know whether any of your Choctaw ancestors complied with the provisions of that article or not? A I dont know.
- Q What is the name of your ancestor through whom you make your claim to be identified as a Mississippi Choctaw? A Celia Ann Jones? A Your mother? A Yes sir.
- Q Do you know anything about her father and mother? A She always claimed her mother was Celia Ann Jones too.
- Q Can you give the name of any ancestor on back any further than your grandmother? A Luella Jones.
- Q Who was that? A My great grandmother.
- Q Was she a Choctaw Indian? A Yes sir.
- Q How much Choctaw blood did she have? A Full blood so my mother said.
- Q And she had a daughter named Celia Ann Jones? A Yes sir.
- Q And your mother was also named Celia Ann Jones, is that right? A Yes sir.
- Q Your mother was a slave? A Yes sir.
- Q Was her mother a slave? A No sir, her mother wasn't a slave.
- Q Was Luella Jones a slave? A No sir.

Richard Bolton-----3

- Q How did your mother become a slave? A By marriage.
- Q How old would your mother be if living now? A Sixty-five.
- Q Was she born in Mississippi? A Yes sir.
- Q Her mother's name was Celia Ann Jones, the same as hers? A Yes sir.
- Q Was she living in Mississippi in 1830? A Yes sir.
- Q Celia Ann Jones was your grandmother? A Yes sir.
- Q How much Choctaw blood did she have? A One half.
- Q You think she lived in Mississippi in 1830 and had a family there then? A So my mother said.
- Q And her mother, Luella Jones, was a full blood Indian? A Yes sir.
- Q And lived in Mississippi? A Yes sir.
- Q Was Luella Jones living in 1830? A She was, so my mother said, at that time.
- Q Do you know whether your grandmother, Celia Ann Jones, who lived in Mississippi as you say and had a family there in 1830 went to the United States Indian Agent, Colonel Ward, within six months after the ratification of the treaty of 1830, and told him that she wanted to stay in Mississippi, take land there, and become citizens of the states? A I dont know sir.
- Q Did she or any Choctaw ancestor of yours live on land in the old Choctaw Nation for five years, and then get a patent from the government for that land? A I dont know sir.
- Q Did she or any other Choctaw ancestor of yours go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A I dont know sir.
- Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in 1830, or claim any land in the old Choctaw Nation under article 14 of that treaty? A Not as I know of.
- Q Did any of them go before the commission of 1837 or the commission of 1842 and claim any benefits under article 14 of the treaty of 1830? A I dont know.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A Not as I know of.
- Q Do you speak or understand the Choctaw language? A No sir.

30 days time is allowed this application to introduce other proof in this case if he desires to do so.

- Q Have you any relatives who have been before the Commission? A No sir.
- Q Is Isaac Molond related to you? A No sir.

This applicant ~~has~~ the appearance of being descended from negro parentage. He has no knowledge of the Choctaw language; his parents were slaves at one time, and he also was born in slavery.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he

Richard Bolton-----4

recorded in full the above proceedings at Muskegee, Indian Territory, on the 20th day of March, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

*mm mohan*

Subscribed and sworn to before me this 31 day of March, 1903.

*Charles H. Sawyer*  
Notary Public.

COPY.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

--o--

In the matter of the application of Richard Bolton, et al.,  
for identification as Mississippi Choctaws, M.C.R. 7146.

---: D E C I S I O N :---

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Richard Bolton for himself and his twelve minor children, Isaiah, Oscar, Louvenia, Estella, Pearlle, Lula D., Willie, Teasen, Shelly, Richard Jr., Lillie and Otto Bolton, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Luella Jones, who is alleged to have been a full-blood Choctaw

Indian, and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321.)

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Luella Jones, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats. 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Richard Bolton, Isaiah Bolton, Oscar Bolton, Louvenia Bolton, Estella Bolton, Pearlle Bolton, Lula D. Bolton, Willie Bolton, Teason Bolton, Shelly

Bolton, Richard Bolton Jr., Lillie Bolton and Otto Bolton, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

James Dixby.

Chairman.

I. B. Needles.

O. R. Brockinridge.

Muskogee, Indian Territory,

W. E. Stanley.

AUG 8 1903.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory,  
April 11, 1903.

-1-

Received of the Commission to the Five Civilized Tribes  
one copy of the testimony in the following Mississippi Choctaw

Cases:

Jesse W. Cooper, et al.,	M C R 6666
James Albert Floyd, et al.,	" 6667
Isaac Meland, et al.,	" 7143
Richard Bolton, et al.,	" 7146
Robert A. Caldwell, et al.,	" 7404
Cornelia A. Smith,	" 6642
Also copy of testimony of Solomon	
Carr and J. B. Bickerstaff in	" 6642

*J. H. [unclear]*  
*att. for claimant*



M C R  
7145 6667  
7146/6666

Muskogee, Indian Territory, May 11, 1903.

J. A. Hurley,  
Sulphur Springs, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 8th instant, returning to this Commission copies of testimony in the following Mississippi Choctaw cases:

Isaac Molond,	M C R 7145
James Albert Floyd,	M C R 6667
Richard Bolton,	M C R 7146
Jessie W. Cooper,	M C R 6666.

Respectfully,

Commissioner in Charge.

M.C.R. 7146.

COPY.

Muskogee, Indian Territory, August 8, 1903.

Richard Bolton,

Gibson Station, Indian Territory.

Dear Sir:-

You are hereby advised that on the 8th day of August 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Richard Bolton, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Richard Bolton, Isaiah Bolton, Oscar Bolton, Louvenia Bolton, Estella Bolton, Pearlle Bolton, Lula D. Bolton, Willie Bolton, Teason Bolton, Shelly Bolton, Richard Bolton Jr., Lillie Bolton and Otto Bolton, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

R. B. 2.

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

*T. B. Neccles.*  
Commissioner in Charge.

Registered.

M.C.R. 7146.

COPY.

Muskogee, Indian Territory, August 8, 1903.

S. W. Isaac,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:-

You are hereby advised that on the 8th day of August, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Richard Bolton et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Richard Bolton, Isadah Bolton, Oscar Bolton, Leavenia Bolton, Estella Bolton, Pearlle Bolton, Lula D. Bolton, Willie Bolton, Teason Bolton, Shelly Bolton, Richard Bolton Jr., Lillie Bolton and Otto Bolton, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

S.W.I. 2.

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office , and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

*T. B. Needles*  
Commissioner in Charge.

Registered.

COPY.

Muskogee, Indian Territory, August 8, 1903.

Mansfield McMurray & Cornish,  
Attorneys for the Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:-

You are hereby advised that on the 8th day of August, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Richard Bolton, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495):

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Richard Bolton, Isaiah Bolton, Oscar Bolton, Louvenia Bolton, Estella Bolton, Pearlle Bolton, Lula D. Bolton, Willie Bolton, Teason Bolton, Shelly Bolton, Richard Bolton Jr., Lillie Bolton and Otto Bolton, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

*T. B. Needles.*  
Commissioner in Charge.

COPY.

Muskogee, Indian Territory, August 24, 1903.

The Honorable,  
The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Richard Bolton, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of August 8, 1903.

The Commission has the honor to report that the principal applicant herein, his attorney of record, and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Through the  
Commissioner of Indian Affairs.  
2 Enc. M C R 7146

(SIGNED)

*I. B. Needles.*

COMMISSIONER, in charge

(COPY)

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS

Land .

WASHINGTON July 1, 1904.

55280-1903.

The Honorable,

The Secretary of the Interior.

Sir:-

I have the honor to transmit herewith for your consideration the record of the Commission to the Five Civilized Tribes, in the matter of the application of Richard Bolton for himself and his 12 minor children, Isaiah, Oscar, Louvenia, Estella, Pearlle, Lula D., Willie, Teason, Shelly, Richard Jr., Lillie and Otto Bolton, for identification as Mississippi Choctaws.

The testimony in this case shows that the applicants base their claim to identification by reason of their descent from Luella Jones, through Celia Ann Jones, her daughter, through Celia Ann Bolton, nee Jones, her daughter, mother of the principal applicant herein, it being claimed that Luella Jones was a Choctaw Indian and resided in Mississippi in 1830.

The Commission rejected the applicants August 8, 1903, because the name of the ancestor through whom they claim does not appear on their records among the names of those who complied



or attempted to comply with the provisions of the fourteenth article of the Choctaw treaty of 1830, and for the additional reason that none of the applicants have ever been enrolled as citizens of the Choctaw Nation.

An examination of the records of this office has been made with reference to the names of Luella Jones, Celia Ann Jones and Celia Ann Bolton, nee Jones, and it is discovered that their names do not appear among the names of those who complied or attempted to comply with the provisions of said article and treaty. Neither does it appear that they applied <sup>to</sup> either of the Commissions appointed under acts of March 3, 1837 and August 23, 1842, for an adjudication of their rights, if any they had, as Choctaw Indians.

These being the facts, it is the opinion of this office that the decision of the Commission rejecting the applicants is correct, and I concur in that finding and recommend its approval

Very Respectfully,

A. C. Tonner.

Acting Commissioner.

CTC-D

(COPY)

DC  
23863-1904.

DEPARTMENT OF THE INTERIOR  
WASHINGTON

W.C.F.  
PHE

I.T.D. 5412-1904.

July 8, 1904.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

August 24, 1903, you transmitted the record in the case involving the application of Richard Bolton, for the identification of himself and his twelve minor children, Isaiah, Oscar, Louvenia, Estella, Pearlle, Lula D., Willie, Teason, Shelly, Richard Jr., Lillie and Otto Bolton, as Mississippi Choctaws, including your decision of August 8, 1903, refusing to identify them as such.

Reporting in the matter July 1, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

Thos. Ryan.

Acting Secretary.

1 inclosure.

M.C.R. 7146

COPY.

Muskogee, Indian Territory, July 23, 1904.

Richard Bolton,

Gibson Station, Indian Territory.

Dear Sir:-

~~You are hereby notified that on the 8th day of July,~~  
1904, the Secretary of the Interior affirmed the decision of  
this Commission refusing the application for identification as  
Mississippi Choctaws of the several persons included in the case  
of Richard Bolton et al., of which decision you were advised  
by registered mail on the 8th day of August, 1903.

Respectfully,

(SIGNED)

*T. B. Needles.*

Commissioner in Charge.

M.C.R. 7146

COPY:

Muskogee, Indian Territory, July 23, 1904.

J. A. Hurley,  
Attorney at Law,  
Sulphur Springs, Texas,

Dear Sir:-

You are hereby notified that on the 8th day of July, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Richard Bolton et al.

Respectfully,

(SIGNED)

*T. B. Needles.*  
Commissioner in Charge.

M.C.R. 7146

COPY.

Muskogee, Indian Territory, July 23, 1904.

S. W. Isaac,

Attorney at Law,

Muskogee, Indian Territory,

Dear Sir:-

You are hereby notified that on the 8th day of July, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Richard Bolton et al., of which decision you were advised by registered mail on the 8th day of August 1903.

Respectfully,

(SIGNED)

*T. B. Needles.*

Commissioner in Charge.

M.C.R. 7146

COPY.

Muskogee, Indian Territory, July 23, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby notified that on the 8th day of July, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Richard Bolton et al., of which decision you were advised by mail on the 8th day of August, 1903.

Respectfully,

(SIGNED)

*T. B. Needles*  
Commissioner in Charge.

7146

No. 7146

## FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

MAR 10 1903

Date

Name Richard Bolton

Age 43

Blood 1/8

Post Office, Pittsburg, Tex.

Father: Hecik Bolton d

Mother: Celia Ann " d

Claims through mother 1/4

Wife.

Florry Bolton. L. neg.  
No claim for wife

Children:

Isaiah Bolton M. 19

Oscar " 18

Louvenia " 17

Estella " 15

Pearlie " 14

Lura H. " 13

Willie " M 9

Season " F. 8

Shelly " F. 6

Richard " Jr. 4

Celia " 3

Celia for her and 1/2 share

Monograph

N. H. M. T.

IDENTIFICATION AS  
MISSISSIPPI CHOCTAW.

R 71

Richard Bolton, et al

REFUSED.

ACTION APPROVED BY  
SECRETARY OF INTERIOR.

JUL 28 1904

NOTICE OF DEPARTMENTAL  
ACTION MAILED APPLICANT.

JUL 28 1904

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT.

JUL 28 1904

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT  
AND CHOCTAW NATIONS.

REFUSED.



Choctaw MCR 7147

Abe Strickland

MCR 7147

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Abe Strickland, et al.,  
for identification as Mississippi Choctaws, M.C.R. 7147.

INDEX.

List of papers forwarded to the Secretary of the  
Interior comprising the record in the above case.

(Page)

Original application of Abe Strickland, et al., before  
the Dawes Commission for identification as Mississippi  
Choctaws,

1

Decision of the Commission refusing the application of  
Abe Strickland, et al., for identification as Mississip-  
pi Choctaws,

5

#7147.

Department of the Interior,  
Commission to the Five Civilized Tribes.  
Muskogee, Indian Territory,  
March 20, 1903.

In the matter of the application of Abe Strickland for the identification of himself and his four minor children, Clemmie, Oscar, Earlie and Cordie Strickland, as Mississippi Choctaws.

S. W. Isaac, attorney for applicants.

Abe Strickland being duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Abe Strickland.  
Q What is your age? A Somewhere in fifty.  
Q What is your post office address? A Pittsburg, Texas.  
Q How long have you lived there? A I dont know sir; I come there when I was an infant.  
Q You have lived there ever since you were a child? A Yes sir.  
Q Where were you born? A Mississippi.  
Q Where in Mississippi? A Somewhere about Panola County.  
Q And went from there to Texas? A Yes sir.  
Q Is your father living? A No sir.  
Q Is your mother living? A No sir.  
Q What was your father's name? A Eckles Strickland.  
Q What was your mother's name? A Viney Strickland.  
Q What was her maiden name? A Northcutt.  
Q You claim through your father or mother? A Mother.  
Q How much Choctaw blood do you claim? A My mother was half, and her mother was whole.  
Q You would be one fourth? A Yes sir, I would be one quarter.  
Q Has your mother ever been recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.  
Q Were your father and mother slaves? A I really dont know sir; my mother was a slave.  
Q How about your father? A Yes sir, he was a slave; I am satisfied he was.  
Q Were your parents, both of them, slaves? A Yes sir.  
Q And you were a slave too? A Yes sir.  
Q Are you married? A Yes sir.  
Q What is your wife's name? A Crecy Strickland.  
Q Is Crecy living? A Yes sir.  
Q Is she a colored woman? A Yes sir.  
Q Do you claim for her? A No sir.  
Q How many children have you? A Four of them.  
Q Two over age? A About so.  
Q Give me the name of the oldest one with you? A Clemmie Strickland is about 16.  
Q She is the oldest? A Yes sir.  
Q The next one under her? A Oscar.  
Q How old is he? A About 14.  
Q Now, the next one? A Earlie.  
Q A boy? A Yes sir.

Abe Strickland-----2

- Q How old is Earlie? A About 12.  
Q The next one? A Cordie.  
Q How old? A About 9 years old.  
Q Is that a girl? A No sir, boy.  
Q Is Clemmie a boy or girl? A A girl.  
Q Is Oscar a boy? A Yes sir.  
Q You claim for yourself and four children? A Yes sir.  
Q Is Crecy, your wife, the mother of these children? A Yes sir.  
Q Are you and she living together as husband and wife, and are these children living with you at your home? A Yes sir.  
Q Have you the proof of your marriage with you now? A No sir.  
Q Where were you married to her? A I was married in Camp County, Texas.  
Q What date? A I dont know sir.  
Q By a minister under a license? A Yes sir, by minister.  
Q Is your name or are the names of any of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.  
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory for yourself and children? A No sir.  
Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Commission to the Five Civilized Tribes under the act of Congress of Congress of June 10, 1896? A No sir.  
Q Is this your first application for citizenship in the Choctaw Nation to any authority whatever? A Yes sir.  
Q You never have been admitted with your children by any authority whatever to citizenship in the Choctaw Nation? A No sir.  
Q Do you want to identify yourself and your children as Mississippi Choctaws? A Yes sir.  
Q Do you claim under article 14 of the treaty of 1830? A Yes sir.

Article 14 is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply with that article?  
A I dont know.  
Q Whom do you claim through? A Choctaw.  
Q What is the name of the individual Choctaw that you claim through? A By my grandmother.  
Q What was her name? A I dont know sir, she must be a North-

Abe Strickland--- -3

- cutt; my grandfather, so I heard my father say, was Northcutt.
- Q You dont know her Christian name? A No sir.
- Q Was that your mother's mother? A Yes sir.
- Q Never heard what name she was called except Northcutt? A No sir.
- Q How much Choctaw blood did she have? A She had one half I reckon sir.
- Q If she was one half your mother would be one quarter and ~~she~~ you would be one eighth? A My mother was one half.
- Q How much was your grandmother? A She was whole I guess from what I heard my mother say.
- Q How old would your mother, Viney Strickland, be if living now? A Between 90 and 100 years old.
- Q Was she married in 1830 or 1831? A I dont know sir.
- Q She would have been old enough to have been married at that time? A Yes sir.
- Q Was she living in Mississippi in 1830 or 1831? A I was too small to recollect.
- Q Did you ever hear anybody say? A No sir, I never heard nobody say.
- Q Was your grandmother, Northcutt, living in Mississippi in 1830, and the head of a family there at that time? A I dont know, I reckon she must have been.
- Q Did any of your Choctaw ancestors go before Colonel Ward and claim any rights or try to register under article 14 of the treaty of 1830 within six months from the ratification of the treaty? A No sir.
- Q Did any of your Choctaw ancestors live on land in the old Choctaw Nation for five years after the treaty of 1830 was ratified and then get a patent from the government for that land? A No sir.
- Q Did any of them go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838 or '40? A No sir.
- Q Did any of your Choctaw ~~Ward~~ ancestors own any improvements on land in the old Choctaw Nation in 1830? A No sir.
- Q Did any of them go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A No sir.
- Q Did any of your Choctaw ancestors go before the Commission of 1837 or the commission of 1842, which commissions were appointed to hear the claims of Choctaw Indians who tried to register under Colonel Ward and were refused registration, although they appeared before him at his office or agency within six months from the ratification of the treaty of 1830, and as a result of his refusal to register them they had lost their lands in the old Choctaw Nation, for it was taken from them by the government and sold at its public land sales? A No sir, I dont know.
- Q Did any of them receive any scrip from the government which scrip was issued under an act of Congress approved August 23rd, 1842? A No sir.
- Q Do you speak the Choctaw language? A No sir.
- Q Have any of your kin been before the Commission? A No sir.

30 days time is allowed this applicant for the introduction of other proof in this case, if he desires to do so.

Abe Strickland-----4

By S W Isaac, attorney for applicant:

Q Do you know whether your mother or grandmother went to Colonel Ward and attempted to register in 1830 in Mississippi? A No sir, I don't know, maybe they did.

Q You testified a while ago that your grandmother didn't; in fact you didn't know what you were talking about? A That's right, I just state as far as I know; I was young.

By the Commission: This applicant appears to be descended from Negro parentage. He has no knowledge of the Choctaw language; he was a slave, and his parents were slaves at one time.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Muskogee, Indian Territory, on the 20th day of March, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

Subscribed and sworn to before me this 31 day of March, 1903.

*Charles H. Sawyer*

Notary Public.

819

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Abe Strickland, et al.,  
for identification as Mississippi Choctaws, M. C. R. 7147.

-----D E C I S I O N-----

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Abe Strickland for himself and his four minor children, Clemmie, Oscar, Earlie and Gordie Strickland, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Viney Strickland, nee Northcutt, who is alleged to have been an one half blood Choctaw Indian.

It appears from the evidence submitted by the applicants that they claim from a more remote Choctaw ancestor than the one above given, in the person of the grandmother of the principal applicant, who is alleged to have been a full blood Choctaw In-



dian, but they are only able to give the surname of this ancestor and it is therefore impossible for the Commission to determine whether or not that ancestor was a beneficiary under the provisions of article fourteen of the treaty of "Dancing Rabbit Creek".

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder that the said Viney Strickland, nee Northcutt, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).



It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Abe Strickland, Clemmie Strickland, Oscar Strickland, Earlie Strickland and Cordie Strickland, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

*Tams Dixey.*

Chairman.

(SIGNED)

*T. B. Needles.*

Commissioner.

(SIGNED)

*C. R. Breckinridge.*

Commissioner.

Muskogee, Indian Territory

AUG 1 1903

(SIGNED)

*W. E. Stanley.*

COMMISSIONER.

COPY:

Muskogee, Indian Territory, August 1, 1903.

Abe Strickland,  
Pittsburg, Texas.

Dear Sir:

You are hereby advised that on the 1st day of August 1903 the Commission to the Five Civilized Tribes rendered a decision in the case of Abe Strickland et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1902 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Abe Strickland, Clemmie Strickland, Oscar Strickland, Earlie Strickland and Cordie Strickland, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this

A S 2

OPY

office and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*T. B. Needles.*

Registered.

Commissioner in Charge.

COPY.

Muskogee, Indian Territory, August 1, 1903.

E. W. Isaac,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 1st day of August 1903 the Commission to the Five Civilized Tribes rendered a decision in the case of Abe Strickland, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 498) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Abe Strickland, Olemmie Strickland, Oscar Strickland, Earlie Strickland and Cordie Strickland, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to

SWI 2

file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED) *T. B. Needles.*

Registered

Commissioner in Charge.

COPY: 2, Indian Territory, June 1, 1903.

Mansfield, McMurray & Cornish,  
Attorneys for the Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 1st day of August 1903 the Commission to the Five Civilized Tribes rendered a decision in the case of Abe Strickland et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1902 (30 Stats., 495):

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Abe Strickland, Clemmie Strickland, Oscar Strickland, Earlie Strickland and Cordie Strickland, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

I. B. Needles.

Commissioner in Charge.

COPY.

Muskogee, Indian Territory, August 17, 1903.

The Honorable

The Secretary of the Interior,

Sir:

There is transmitted herewith the record in the case of Abe Strickland, et al., applicants to the Commission for identification as Mississippi Choctaws including the decision of the Commission of August 1, 1903.

The Commission has the honor to report that the principal applicant herein his attorney of record, and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

*T. B. Needles.*  
Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

2 enclosures M C R 7147

(COPY)

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS.

Land.  
53571-1903.

WASHINGTON, November 4, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith for your consideration the record of the Commission to the Five Civilized Tribes in the matter of the application of Abe Strickland for himself and his four minor children: Clemmie, Oscar, Earlie, Cordie, Strickland, for identification as Mississippi Choctaws wherein a decision adverse to the applicants was rendered by the Commission August 1, 1903.

From the testimony and the record evidence in this case, it is shown that the applicants base their claim to identification by reason of their descent from Viney Strickland, nee Northcutt, who is alleged to have been a one-half blood Choctaw Indian and a resident of Mississippi or Alabama at the date of the making of the Choctaw Treaty of 1830.

It appears that the applicants claim from more remote ancestors than the one above given in the person of the grandmother of the principal applicant, but are unable to give the name of this ancestor.



The Commission rejected the applicants because the name of the ancestor through whom they claim does not appear upon their records among the names of those who complied or attempted compliance with the provisions of the 14th article of the treaty of 1830, and for the additional reason that the applicants have never been enrolled as citizens of the Choctaw Nation.

An examination of the records of this office has been made with reference to the name of Viney Strickland, nee Northcutt, and it is discovered that her name does not appear among the names of those who complied or attempted to comply with the provisions of said article and treaty. Neither does it appear that she applied to the Commissions appointed under acts of Congress approved March 5, 1837 and August 23, 1842, for an adjudication of her rights, if any she had, as a Choctaw Indian. It is therefore respectfully recommended that the decision of the Commission rejecting the applicants be approved.

Very respectfully,

W. A. Jones,  
Commissioner.

C.T.O. (B)

(COPY)

WCF.  
FHE.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, November 20, 1903.

D.O. 32810-1903.  
ITD. 7926-1903.  
L.R.S.

Commission to the

Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

August 17, 1903, you transmitted the record in the case involving the application for identification as Mississippi Choctaws of Abe Strickland, for himself and his four minor children, Clemmie, Oscar, Earlie and Gordie Strickland, including your decision of August 1, 1903, refusing to identify them as such.

The applicants base their claim to a right to identification as Mississippi Choctaws on their descent from Viney Strickland, nee Northcutt, mother of the principal applicant, Abe Strickland. It is alleged that said Viney Strickland was an one-half blood Choctaw Indian and a resident of Mississippi or Alabama in 1830. The principal applicant states that his grandmother, whose name appears to have been Northcutt, was a full blood Choctaw Indian, but he is unable to state the given name of this ancestor.

The evidence furnished by the record, as well as the records of the Indian Office, fails to show that the

ancestor through whom the applicants claim, ever complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830, or the subsequent acts of Congress relating thereto.

Reporting in the matter November 4, 1903, the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision rejecting the applicants is accordingly affirmed.

Respectfully,

Thos. Ryan,  
Acting Secretary.

1 inclosure.

K.C.R. 7147.

COPY.

Muskogee, Indian Territory, December 3, 1903.

Abe Strickland,  
Pittsburg, Texas.

Dear Sir:

You are hereby notified that on the 20th day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Abe Strickland et al., of which decision you were advised by registered mail on the 1st day of August, 1903.

Respectfully,

W. M. B. 1000  
James Bixby.  
Chairman.

M.C.R. 7147.

COPY.

Muskogee, Indian Territory, December 3, 1903.

S. W. Isaac,

Attorney-at-Law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on the 20th day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Abe Strickland et al., of which decision you were advised by registered mail on the 1st day of August, 1903.

Respectfully,

(SIGNED)

*Tams Bixby.*  
Chairman.

M.C.R. 7147.

COPY.

Muskogee, Indian Territory, December 3, 1903.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 20th day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Abe Strickland et al., of which decision you were advised by mail on the 1st day of August, 1903.

Respectfully,

(SIGNED)

*Tams Bixby.*  
Chairman.

7147

No.

7147

## FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 20 1903

Name *abe Strickland.*Age *59+* Blood *1/4*Post Office, *Pittsburg, Tex.*Father: *Eckles Strickland, d*Mother: *Viney " d*Claims through *mother 1/2*

Wife.

*Cecy Strickland, Tex.**No claim for wife*

Children:

*Clennie " F 16**Oscar " M 14**Earlie " M 12**Bordie " M 9**Claims for self &  
4 minors*Stenographer *M. H. Martin*

FOR IDENTIFICATION AS R.  
A MISSISSIPPI CHOCTAW.

Alie L. Strickland, et al

OR

AW



Choctaw MCR 7148

Ella Hicks

MCR 7148

#7148.

Department of the Interior,  
Commission to the Five Civilized Tribes.  
Muskogee, Indian Territory,  
March 20, 1906.

In the matter of the application of Ella Hicks for the identification of herself as a Mississippi Choctaw.

S. W. Isaac, attorney for applicant.

Ella Hicks being duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Ella Hicks.  
Q What is your age? A Thirty-five.  
Q What is your post office address? A Wintersburg, Texas.  
Q How long have you lived there? A Four year.  
Q Where were you born? A Franklin County, Georgia.  
Q How long did you live in Georgia? A Up until four year ago.  
Q Then you went to Pittsburg, Texas? A Yes sir.  
Q Is your father living? A No sir.  
Q Is your mother living? A No sir.  
Q What was your father's name? A Dick Westbrooks.  
Q What was your mother's name? A Caroline Westbrooks.  
Q Through which parent do you claim Choctaw blood? A Grandfather.  
Q Through your father or mother? A Father.  
Q How much do you claim? A One fourth.  
Q Was your father one half blood Choctaw? A My grandfather was.  
Q I asked about your father? A Yes sir, he is half.  
Q Has your father ever been recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.  
Q Are you married? A Yes sir.  
Q Is your husband living? A Yes sir.  
Q What is his name? A Edward Hicks.  
Q What is his race? A Colored.  
Q Were your mother and father slaves? A Yes sir.  
Q You were born since the act of emancipation were you? A I am thirty-five.  
Q You were not born when they were slaves were you? A No sir.  
Q Have you any children? A No sir.  
Q You claim for yourself? A Yes sir.  
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.  
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.  
Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.  
Q Is this your first application for citizenship rights in the Choctaw Nation? A Yes sir.  
Q Do you come before the Commission now to be identified as a Mississippi Choctaw? claiming under article 14 of the treaty of 1830? A Yes sir.

Ella Hicks-----2

That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q That is article 14 of the treaty of 1830 under which you are claiming; do you know whether any of your Choctaw ancestors complied or attempted to comply with that article or not? A Well, No sir.
- Q Whom do you claim through; what ancestor do you claim through. A Spencer.
- Q What relation to you? A Grandfather.
- Q Can you go back further than that? A No sir.
- Q What is his full name? A Thats all the name that I ever knew.
- Q Is that your father's father? A Yes sir.
- Q Well, it must have been Spencer Westbrooks, wasn't it, if your father was Dick Westbrooks? A I dont know sir.
- Q How old would your father be if living now? A About a hundred--- about seventy-five.
- Q Which was it, a hundred or seventy-five? A Seventy-five.
- Q Was he born in Mississippi? A Yes sir.
- Q And he lived there for five years anyway, didn't he? A Yes sir, I suppose so.
- Q Then he must have been living there in 1830; do you know whether his father, Spencer, whose name you do not know any further, went to Colonel Ward within six months after the treaty of 1830 was ratified, or any other ancestor of yours, and registered or tried to register under article 14 of the treaty of 1830? A I dont know, sir.
- Q Did any Choctaw ancestors of yours live in the old Choctaw Nation in 1830 and have a family there then? A Not as I know of.
- Q Did any Choctaw ancestors of yours live on land in the old Choctaw Nation for five years after the treaty of 1830 was ratified, and then get a patent for that land? A Not as I know of.
- Q Did any of your Choctaw ancestors go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A Not as I know of.
- Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in 1830? A Not as I know of.

Ella Hicks- -----3.

Q Did any of them go before a commission in 1837 or a commission in 1842 and claim any benefits under article 14 of the treaty of 1830? A I dont know sir.

These commissions were appointed by various acts of congress to hear Choctaw Indian claimants who tried to register under article 14 of the treaty of 1830, but were refused registration by Colonel Ward, the United States Indian Agent, and because of this refusal on the part of Ward to register them these Indians had their land afterwards taken from them by the government and sold at its public land sales.

Q Did any of your Choctaw ancestors receive any scrip from the government which ent tled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A Not as I know of.

This scrip was issued under an act of Congress approved August 23rd, 1842, and was issued to Choctaw Indians who proved their rights under article 14 of the treaty of 1830, and also proved that their land in the old Choctaw Nation had been taken from them and sold.

Q Did any of your Choctaw ancestors comply in any way with article 14 of the treaty of 1830, to your knowledge? A Not as I know of.

Q Do you speak Choctaw? A No sir.

30 days time is allowed this applicant in which to introduce other pro f in this case.

Q Are there any witnesses you want to call before the Commission now, or have you any other evidence you want to present?

By S W Isaac, attorney for applicant; No, she has no witnesses.

By the Commission:

Q Have you any relatives who have appeared before the Commission? A Yes sir.

By S W Isaac: No sir, she has none.

By the Commission:

Q Your lawyer says you have not any? A Well, no sir.

By S W Isaac:

Q Did your grandfather, Spencer, live in Mississippi? A Yes sir.

Q How old would he be if living now? A About a hundred.

By the Commission: This applicant appears to be descended from negro parentage. She has no knowledge of the Choctaw language. Her father and mother were slaves at one time.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Muskegee, Indian Terri-

Ella Hicks-----4

tory, on the 20th day of March, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

*W. H. Norton*

Subscribed and sworn to before me this 31 day of March, 1903.

*Charles E. Sawyer*

Notary Public.

M C R 7148

COPY.

Muskogee, Indian Territory, August 1, 1903.

Ella Hicks,

Pittsburg, Texas.

Dear Madam:

You are hereby advised that on the 1st day of August 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Fannie Verner et al., embracing the following applications for identification as Mississippi Choctaws:

Fannie Verner, et al.,  
Ella Hicks,

M C R 7149  
M C R 7148

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Fannie Verner, Daniel Reed Verner, Augustus Lee Verner, Chester A. Arthur Verner, Jodie Charles H. Spurgeon Verner, Tommie Napoleon Verner and Ella Hicks, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

E. H. 2

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*T. B. Needles.*

Commissioner in Charge.

Registered,

M.C.R.7148.

COPY.

Muskogee, Indian Territory, December 7, 1903.

Ella Hicks,

Pittsburg, Texas.

Dear Madam:

You are hereby notified that on the 25th day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Fannie Verner, et al., of which decision you were advised by registered mail on the first day of August, 1903.

Respectfully,

(SIGNED)

*Tams Bixby.*  
Chairman.



7148

No. 9148

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 20 1903

Name Ella Hicks

Age 35

Blood  $\frac{1}{4}$ 

Post Office, Pittsburg, Tex.

Father: Dick Westbrook, d

Mother: Caroline " d

Claims through father  $\frac{1}{2}$ 

Husband,

Edward Hicks, l. neg.

Children:

Claims for self

Stenographer W. H. Martin

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.

Ella Hicks

ARTICLE

PRICE

ON

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW  
AND ...

REFER TO M. O. R. 7104

EMPTY

Choctaw MCR 7149

Fannie Verner

MCR 7149

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----

In the matter of the application of Fannie Verner et al.,  
for identification as Mississippi Choctaws, consolidating the  
applications of:-

Fannie Verner et al., M.C.R. 7149  
Ella Hicks, M.C.R. 7148

--- I N D E X ---

List of papers comprising the record in the above case.

	Page
Original application of Fannie Verner et al., before the Dawes Commission, for identification as Mississippi Choctaws.	1
Original application of Ella Hicks before the Dawes Commission, for identification as a Mississippi Choctaw.	5
Decision of the Commission refusing the consolidated applications of Fannie Verner et al., for identification as Mississippi Choctaws.	9

#7149.

Department of the Interior,  
Commission to the Five Civilized Tribes.  
Muskogee, Indian Territory,  
March 20, 1903.

In the matter of the application of Fannie Verner for the identification of herself and her five minor children, Daniel Reed, Augustus Lee, Chester A. Arthur, Jodie Charles H. Spurgeon, and Tommie Napoleon Verner, as Mississippi Choctaws.

S. W. Isaac attorney for applicants:

Fannie Verner being duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Fannie Verner.  
Q What is your age? A Forty-six.  
Q What is your post office address? A Pittsburg, Texas.  
Q How long have you lived in Texas? A sixteen year.  
Q How long in Pittsburg? A I dont live in Pittsburg; we come from the old country here about sixteen years ago.  
Q Where were you born? A Georgia, Franklin County.  
Q And lived in Georgia how long? A Until sixteen years ago, and then come to Texas.  
Q Is your father living? A No sir.  
Q Is your mother living? A No sir.  
Q What was your father's name? A Dick Westbrooks.  
Q What was your mother's name? A Caroline Westbrooks.  
Q Do you claim through your father or mother? A My father.  
Q How much Choctaw blood do you claim? A My father was one half.  
Q How much do you claim? A Onefourth.  
Q Were your parents slaves at one time? A Yes sir.  
Q Were you also? A Yes sir, I was born in slavery.  
Q Has your father ever been recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.  
Q Is your husband living? A Yes sir.  
Q What is his race? A Colored.  
Q What is his name? A Alfred Verner.  
Q Do you make any claim for him? A No sir.  
Q Give me the names of your children under twenty-one? A Daniel Reed.  
Q How old is Daniel? A Sixteen.  
Q The next one? A Augustus Lee, fourteen.  
Q Are these verners, all of them? A Yes sir.  
Q Now the next? A Chester A. Arthur, twelve years of age.  
Q How old is he? A Twelve.  
Q The next one? A Jodie Charles H. Spurgeon.  
Q Why not call him Jodie and let it go at that? A Well, you can.  
Q How old? A Eight years old.  
Q What is the next one? A Tommie Napoleon Verner.  
Q How old is he? A Six years old.  
Q Is that all? A Yes sir, thats my baby boy.  
Q Is your name or are the names of any of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.  
Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal

Fannie Verner-----2

authorities in the Indian Territory or to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.

- Q Is this the first application you have ever made for yourself and children for citizenship rights in the Choctaw Nation to any authority whatever? A Yes sir.
- Q Do you come before the Commission now to be identified with your children as Mississippi Choctaws? A Yes sir.
- Q Do you claim under article 14 of the treaty of 1830? A Yes sir.

That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q That is article 14 of the treaty of 1830 under which you are making your claim today; did any of your Choctaw ancestors comply with any of the provisions of that article, do you know? A No sir.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Spencer Westbrooks I reckon; my father was Dick Westbrooks, and it was his father.
- Q What relation to you was he? A My grandfather.
- Q How much Choctaw blood did he have? A He was full blood, grandmother taught me.
- Q Did he live in Mississippi or Alabama in 1830 and have a family there at that time? A I dont know sir.
- Q You dont know whether he lived in Mississippi or Alabama or either place? A No sir; he was born in Mississippi, but I dont know how long he stayed there.
- Q Did he or any other Choctaw ancestor of yours live on land in Mississippi or Alabama for five years after the treaty of 1830 was ratified, and then get a patent for that land? A Not that I know of.
- Q Did any of your Choctaw ancestors go to Colonel Ward the agent within six months after the treaty of 1830 was ratified and register or attempt to register under article 14 of that treaty? A I dont know sir.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838 or '40? A I dont know sir, where they went.

Fannie Verner-----3

- Q Or at any other time from the old Choctaw Nation to the Choctaw Nation, Indian Territory, between the ratification of the treaty of 1830, and the date of this application made by you today? A I dont know sir.
- Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in 1830? A I dont know, not that I know of.

In 1837 and also in 1842 commissions were appointed to hear Choctaw Indians, members of the old Choctaw tribe, who tried to register under article 14 of the treaty of 1830 by going to Colonel Ward within six months from the ratification of the treaty and attempting to register under article 14, but because he refused to allow them to register their lands were taken from them by the government and sold.

- Q Did any of your Choctaw ancestors go before either of these Commissions and try to get any rights under article 14 of the treaty of 1830? A Not that I know of.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A I dont know sir.

This scrip was issued under an act of Congress approved August 23rd, 1842, to those Choctaw Indians who proved their rights under article 14 of the treaty of 1830, and also proved that their lands had been taken from them in the old Choctaw Nation and sold.

- Q Do you understand the Choctaw language? A No sir.

30 days time is allowed this applicant in which to introduce other proof in this case if she desires to do so.

- Q Is Ella Hicks your sister? A Yes sir.

The case of Ella Hicks, M C R 7148, is here referred to, both being descended from the same common ancestor; Ella Hicks gives her grandfather's name as Spencer, and this applicant, her sister, says his name was Spencer Westbrooks.

By S W Isaac, attorney for applicant:

- Q Were you acquainted with Richard Chappell? A That was my father's name; his name was Dick, and his mother didn't like it, and she jasy reverses his name to Dick Chappell; her mistress had a son named John Chappell, and she reverses my father's name to Richard Chappell, but his name was Dick Westbrooks.
- Q And he was the son of Spencer Westbrooks? A Yes sir, and grandfather was full blood Choctaw and my father was one half.

By the Commission: This applicant appears to be descended from negre parentage; her parents were slaves at one time, and she also was a slave; she does not understand the Choctaw language.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he



Fannie Verner-----4

recorded in full the above proceedings at Muskogee, Indian Territory, on the 30th day of March, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

*W. H. Martin*

Subscribed and sworn to before me this 31 day of March, 1903.

*Charles H. Sawyer*

Notary Public.

829

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---S---

In the matter of the application of Fannie Verner et al.,  
for identification as Mississippi Choctaws, consolidating the  
applications of:-

Fannie Verner et al., M.C.R. 7149  
Ella Hicks, M.C.R. 7148

--- D E C I S I O N ---

It appears from the record herein that applications for  
identification as Mississippi Choctaws were made to this Com-  
mission by Fannie Verner for herself and her five minor children,  
Daniel Reed, Augustus Lee, Chester A. Arthur, Jodie Charles H.  
Spurgeon and Tommie Napoleon Verner; and by Ella Hicks for  
herself, under the following provision of the act of Congress  
approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the  
identity of Choctaw Indians claiming rights in the Choctaw  
lands under article fourteen of the treaty between the  
United States and the Choctaw Nation, concluded September  
twenty-seventh, eighteen hundred and thirty, and to that  
end may administer oaths, examine witnesses, and perform  
all other acts necessary thereto and make report to the  
Secretary of the Interior."

It also appears that all of said applicants claim rights  
in the Choctaw lands under article fourteen of the treaty be-  
tween the United States and the Choctaw Nation, concluded

September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Spencer Westbrooks, who is alleged to have been a full blood Choctaw Indian.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Spencer Westbrooks, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Fannie Verner, Daniel Reed Verner, Augustus Lee Verner, Chester A. Arthur Verner, Jodie Charles H. Spurgeon Verner, Tommie Napoleon Verner and Ella Hicks, as Cheetaw Indians entitled to rights in the Cheetaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

*Tams Birby.*

Chairman.

*T. B. Needles.*

Commissioner.

(SIGNED)

*C. R. Breckinridge.*

Commissioner.

(SIGNED)

*W. E. Stanley.*

Commissioner.

Muskogee, Indian Territory.

AUG 1 1903

M C R 7149

COPY.

Muskogee, Indian Territory, August 1, 1903.

Fannie Verner,  
Pittsburg, Texas.

Dear Madam:

You are hereby advised that on the 1st day of August 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Fannie Verner et al., embracing the following applications for identification as Mississippi Choctaws:

Fannie Verner et al.,  
Ella Hicks,

M C R 7149  
M C R 7148

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Fannie Verner, Daniel Reed Verner, Augustus Lee Verner, Chester A. Arthur Verner, Jodie Charles H. Spurgeon Verner, Tommie Napoleon Verner and Ella Hicks, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered".

P V 2

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*T. B. Needles.*  
Commissioner in Charge.

Registered.

COPY.

Muskogee, Indian Territory, August 1, 1903.

S. W. Isaac,  
Attorney at Law,  
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 1st day of August 1903 the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Fannie Verner et al., embracing the following applications for identification as Mississippi Choctaws.

Fannie Verner et al.,	M C R 7149
Ella Hicks,	M C R 7148

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Fannie Verner, Daniel Reed Verner, Augustus Lee Verner, Chester A. Arthur Verner, Jodie Charles H. Spurgeon Verner, Fannie Napoleon Verner and Ella Hicks, as Choctaw Indians entitled to rights in the

G. W. I. 2

Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED),

*T. B. Needles.*

Commissioner in Charge.

Registered,



COPY:

Muskogee, Indian Territory, August 1, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 1st day of August 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Fannie Verner et al., embracing the following applications for identification as Mississippi Choctaws:

Fannie Verner et al.,  
Ella Hicks,

M C R 7149  
M C R 7148

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) :

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Fannie Verner, Daniel Reed Verner, Augustus Lee Verner, Chester A. Arthur Verner, Jodie Charles H. Spurgeon Verner, Tommie Napoleon Verner and Ella Hicks, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said

M MCM & C 2

time the papers in the case together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*T. B. Needles.*  
Commissioner in Charge.

COPY.

Muskogee, Indian Territory, August 17, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Fannie Verner, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of August 1, 1903.

The above consolidated case embraces the following original applications heard by the Commission:

Fannie Verner, et al.,	M C R 7149
Ella Hicks,	M C R 7148

The Commission has the honor to report that the principal applicants in the several separate applications, their attorney of record, and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED)

*T. B. Needles.*

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

2 enclosures M C R 7149

(COPY).

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, November 9, 1903.

Land.  
53566-1903.

The Honorable,  
The Secretary of the Interior.

Sir:-

I have the honor to transmit herewith, for your consideration, the record and the proceedings of the Commission to the Five Civilized Tribes, in the matter of the consolidated application, for identification as Mississippi Choctaws, of the following:

Fannie Verner, for herself and her five minor children, Daniel Reed, Augustus Lee, Chester A., Arthur, Jobie Charles Spurgeon and Tommie Napoleon Verner, and by Ella Hicks, for herself, claiming rights as such under the provisions of the fourteenth article of the Choctaw treaty of 1830.

The testimony in this case shows that the applicants base their claim to identification, under this application, on their descent from Spencer Westbrooks, who is alleged to have been a full blood Choctaw Indian, and a resident in Mississippi or Alabama at the date of the making of the treaty of 1830.

The Commission rejected the applicants August 1, 1903, because the name of the ancestor through whom they claim does not appear

on their records among the names of those who complied or attempted to comply with the provisions of the fourteenth article of the Choctaw treaty of 1830, nor does it appear to them that he presented a claim to rights as a Choctaw Indian to either of the Commissions appointed to adjudicate such claims, and for the additional reason that the applicants have never been enrolled as citizens of the Choctaw Nation.

An examination has been made of the records of this office, and it is discovered that the name of Spencer Westbrooks does not appear among the names of those who complied or attempted to comply with the provisions of said article and treaty; neither does it appear that he presented a claim to the Commissions appointed under the acts of March 3, 1837 and August 23, 1842, for an adjudication of his rights, if any he had, as a Choctaw Indian.

It is therefore the opinion of this office that the decision of the Commission rejecting the applicants is correct, and I concur in that finding and recommend its approval.

Very respectfully,

W.A. Jones,  
Commissioner.

CTC-O.

(COPY).

DEPARTMENT OF THE INTERIOR,

W.C.F.  
F.H.E.

N. C. 33288  
L.T.D. 8076-1903.  
LRS.

WASHINGTON,

November 25, 1903.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:-

August 17, 1903, you transmitted the record in the consolidated case embracing the application for identification as Mississippi Choctaws of Fannie Verner (M.C.R. 7149), for herself and her five minor children, Daniel Reed, Augustus Lee, Chester A. Arthur, Jodie Charles H. Spurgeon and Tommie Napoleon Verner; and Ella Hickox for herself, including your decision of August 1, 1903, refusing to identify them as such.

The applicants claim rights to Choctaw lands under article 14 of the Choctaw treaty of 1830, by reason of being descendants of Spencer Westbrooks, who is alleged to have been a full blood Choctaw Indian and a resident of Mississippi or Alabama in 1830.

The evidence furnished by the record herein and by the records of the Indian Office, fails to show that said ancestor ever complied or attempted to comply with the provisions of article 14 of the treaty of 1830, or the subsequent acts of Congress relating thereto.

Reporting in the matter November 9, 1903, the Commissioner of Indian Affairs recommends that your decision rejecting the

---2---

applicants be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

M.C.R. 7149.

COPY.

Muskogee, Indian Territory, December 7, 1903.

S. W. Isaac,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on the 25th day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Fannie Verner, et al., of which decision you were advised by registered mail on the first day of August, 1903.

Respectfully,

(SIGNED)

*Tams Dixby.*  
Chairman.



M.C.R.7149.

COPY.

Muskogee, Indian Territory, December 7, 1903.

Mansfield, McMurray & Cornish,  
Attorneys for the Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 25th day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Fannie Verner, et al., of which decision you were advised by mail on the first day of August, 1903.

Respectfully,

(SIGNED)

*Fannie D. Verner*  
Chairman.

M.C.R. 7149.

COPY:

Muskogee, Indian Territory, December 7, 1903.

Fannie Verner,  
Pittsburg, Texas.

Dear Madam:

You are hereby notified that on the 25th day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Fannie Verner, et al., of which decision you were advised by registered mail on the first day of August, 1903.

Respectfully,

(SIGNED)

*Jame Bixby.*  
Chairman.

REFER TO NO. 7149

Jannie Verner, et al

Consolidated Recd

Spencer, or  
Spencer Westbrooks, full

Richard Chappell, or  
Dick Chappell, or  
Dick Westbrooks,  $\frac{1}{2}$  dead  
wife  
Caroline Westbrooks, dead  
slave

McK  
7149

Sannie Westbrooks,  $\frac{1}{2}$   $\frac{1}{4}$   
married slave

Alfred Verner, negro

McK  
7148

Ella Westbrooks, 35,  $\frac{1}{4}$

married

Edward Hicks, negro

McK  
7149

Daniel Reed Verner, 16

Augustus Lee Verner, 14

Charles A. Arthur Verner, 12

Jodie C. A. S. Vernon, 8

Tommie Napoleon Verner, 6

7149.

7140

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 20 1903

Name Fannie Verner.

Age 46 — Blood 1/4

Post Office, Pittsburg, Tex.

Father: Eliza Westbrook, d  
(or Richard Chappel -)

Mother: Caroline " d

Claims through

father +  
HusbandAlfred Verner, l. neg.  
No claim for husband

Children:

Vannie Reed	Verner	16
Augustus L. Verner		14
Charles A. R.	"	12

Jodie	"	8
Tommy R.	"	6

Claims for self  
and 5 mrs.

Stenographer W. H. Martin

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOP

R.

Fannie Verner, d

603

Choctaw MCR 7150

Joseph Hicks

MCR 7150

#7150.

Department of the Interior,  
Commission to the Five Civilized Tribes.  
Muskogee, Indian Territory,  
March 20, 1903.

In the matter of the application of Joseph Hicks for the identification of himself and his four minor children, Joseph Hicks, Mary Hicks, Peggy Angy Hicks, and Willie Hicks, as Mississippi Choctaws.

A. S. McRea, attorney for applicants:

Joseph Hicks being duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Joseph Hicks.  
Q What is your age? A Twenty-nine.  
Q What is your post office address? A Zangwill, Oklahoma.  
Q Oklahoma Territory? A Yes sir.  
Q How long have you lived in Zangwill? A About five years.  
Q How long in Oklahoma? A About ten or eleven years.  
Q Where did you live before that? A In the state of Mississippi.  
Q Where in Mississippi? A Madison County.  
Q Is your father living? A No sir.  
Q Is your mother living? A Yes sir, I think so; she was yesterday.  
Q What was your father's name? A Watt Hicks.  
Q What is your mother's name? A Mollie Alexander.  
Q Through which parent do you claim Choctaw blood? A My mother.  
Q How much do you claim? A One quarter.  
Q What was Watt Hick's blood or race? A Colored race.  
Q How much Choctaw blood do you claim your mother has? A Three quarters.  
Q Three quarters for Mollie Alexander? A Yes sir.  
Q And you do not get any blood from Watt Hicks? A No sir.  
Q How do you claim one quarter then? A Just from her father.  
Q Whose father? A My mother's father.  
Q If she was three quarters and your father was a negro, then you would have one half of three quarters? A Well, I say one quarter; I guess it is a little bit over.  
Q What do you claim then? A I just know I have a quarter anyway, and I just claim what I know I have.  
Q If you know your mother was three quarters then of course you must be three eighths? A Well then I claim three eighths.  
Q Was your father a slave at any time? A I don't know for sure.  
Q Was your mother? A I don't know.  
Q You ought to know? A I just really don't know; I have heard too, but I won't say for sure; but to be sure I will have to say that I have heard she was a slave.  
Q How about your father; have you heard he was a slave? A Yes sir, I have heard say he was a slave.  
Q And you have heard say that your father and mother were slaves? A I just heard them say in the family that they were slaves.  
Q It is a matter of family history and tradition is it? A Yes sir.  
Q Has your mother ever been recognized in any way or enrolled as a Choctaw Indian by the Choctaw tribal authorities in the Indian Territory or the United States authorities? Not



Joseph Hicks-----2

as I knows of.

- Q Are you married? A Yes sir.  
Q Is your wife living? A Yes sir.  
Q What is your wife's nationality or race? A Colored.  
Q What is her name? A Lola Hicks.  
Q Do you make any claim for her? A No sir.  
Q Have you any children? A Yes sir.  
Q How many? A Four.  
Q What is the name of the oldest? A Joseph Hicks.  
Q How old? A Seven.  
Q The next? A Five.  
Q What is that child's name? A Mary.  
Q How old is Mary? A Five.  
Q What is the name of the next child? A Peggy Anny Hicks.  
Q How old? A Three.  
Q The next? A Willie.  
Q A boy? A Yes sir.  
Q How old? A One year old.  
Q You claim for yourself and four children, do you? A Yes sir.  
Q Is Lola Hicks the mother of these children? A Yes sir.  
Q When were you married to her and where? A Kingfisher County, Oklahoma, September 25, '94.  
Q By a minister under a license? A Yes sir.  
Q Have you proof of your marriage with you here? A No sir, have no proof.  
Q Is your name or are the names of any of these children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.  
Q Have you ever made application for yourself and children either to the Choctaw tribal authorities or the United States authorities in the Indian Territory for citizenship in the Choctaw Nation? A No sir.  
Q No application has been made for you for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.  
Q Is this the first application that has ever been made for you or by you for these children to any authority whatever for citizenship in the Choctaw Nation? A Yes sir.  
Q Do you now want to be identified as Mississippi Choctaws? A Yes sir.  
Q Do you claim under article 14 of the treaty of 1830? for yourself and children? A Yes sir.  
Q Do you understand that article? A No sir.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September of the year 1830. The object of the government in making this treaty with the Indians was to remove them from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory. It became known before this treaty was signed that some of them would not go to the Choctaw Nation, Indian Territory, under the treaty, and in order to protect the interests of these Indians who stayed back in the old Choctaw Nation article 14 was drafted and put into the treaty of 1830. That article is the article under which you are making your claim today, and is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do

Joseph Hicks-----3

so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your ancestors complied or attempted to comply with any of the provisions of that article of that treaty? A No sir.
- Q What is the name of the ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Mollie Alexander.
- Q That is your mother; who do you claim through going back further? A Jack Jenkins.
- Q Who was Jack Jenkins? A My mother's father, my grandfather.
- Q How much Choctaw blood did he have? A One-whole Choctaw-- a full blood.
- Q What was his wife's name? A I dont know sir.
- Q Did you ever hear about her? A No sir, no more than knowing the family always said Rose.
- Q Was that the name, Rose Jenkins? A Yes sir, I believe so.
- Q How much Choctaw blood did she have, if any? A I dont know sir.
- Q Do you think she had any Choctaw blood? A I dont know sir.
- Q Never heard one way or the other? A No sir, if I did I dont remember.
- Q How do you know that your mother was three quarters Choctaw? A Just always said through the family, you may say family history.
- Q She got her Choctaw blood you say through Jack Jenkins? A Yes sir.
- Q And he was a full blood? A Yes sir.
- Q Then of course his daughter, Mollie Alexander, would be one half, but you say she is three quarters, and that is one quarter more than one half, and yet you dont know that Jack Jenkins' wife, Rose, had any Choctaw blood; you are not able to explain that? A No sir, I dont know exactly.
- Q Do you claim any Choctaw blood whatever from Rose Jenkins, the wife of Jack Jenkins? A Yes sir.
- Q What are you claiming for if you dont know whether she had Choctaw blood or not? A Well, by my grandfather.
- Q I ask you if you claim by your grandmother? A Yes sir, you asked me if I claimed by my grandfather?
- Q No I did not; I asked you distinctly if you claimed by your grandmother? A I claim by my mother, and she claimed by her father, which is my grandfather.
- Q Then you dont make any claim at all through Rose Jenkins, your grandmother? A No sir.
- Q Now, did Jack Jenkins live in the old Choctaw Nation, either in Mississippi or Alabama in 1830 and have a family there at that time? A I dont know sir.

Joseph Hicks-----4

- Q Do you know where he was born? A No sir.
- Q Or when he was born? A No sir.
- Q Do you know when and where he died? A No sir.
- Q Do you know where he lived at any time during his life? A No sir.
- Q You never heard? A No sir.
- Q Did you ever hear where he was at any period of his life? A No sir.
- Q Did you ever hear that he went before Colonel Ward, the United States Indian Agent, within six months after the treaty of 1830 was ratified, and registered or attempted to register under article 14 of the treaty of 1830? A No sir.
- Q Did you ever hear of Colonel William Ward, the United States Indian Agent? A No sir.
- Q Did you ever hear of article 14 of the treaty of 1830? A No sir.
- Q Did you ever hear of the treaty of 1830? A No sir.
- Q Did you ever hear of Colonel Ward's Registry list? A No sir.
- Q Did you ever hear that any of your Choctaw ancestors lived on land in Mississippi or Alabama for five years, and at the end of that time received a patent from the government for that land? A No sir.
- Q Did you ever hear that any of your Choctaw ancestors went from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A No sir.
- Q Or any time between 1833 and 1838 or '40? A No sir.

In 1837 by an act of Congress approved March 3rd of that year, and also in 1842, by an act of Congress approved August 23rd of that year, commissions were appointed, the one succeeding the other. These commissions were appointed because Choctaw Indians complained that they had tried to register under article 14 of the treaty of 1830, and had been refused the right to register by Colonel Ward, the United States Indian Agent; and because of his refusal these Choctaw Indians had their lands taken from them in the old Choctaw Nation and sold by the government at its public land sales.

- Q Did any of your Choctaw ancestors go before either of these commissions and claim any benefits under article 14 of the treaty of 1830? A Not as I know of.
- Q Did any of your Choctaw ancestors receive any scrip or certificates from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A No sir, not as I know of.

This scrip was issued under an act of Congress approved August 23rd, 1842, and was issued to Choctaw Indians who proved their rights under article 14 of the treaty of 1830, and also proved that their lands in the old Choctaw Nation had been taken from them by the government and sold at its public land sales.

- Q Do you speak or understand the Choctaw language? A No sir.

Thirty days time is allowed this applicant in which to introduce other proof in this case if he desires to do so.

Joseph Hicks-----5

- Q Are you related to Minnie C. Kennedy? A Yes sir.  
Q What relation? A Brother.  
Q You are a brother of hers? A Yes sir.  
Q Do you want to have your case considered under the application of Minnie C. Kennedy? A Yes sir.

The case of Minnie C. Kennedy, et al., W C R 6796, is referred to for the purpose of consolidation.

By A S McRea, attorney for applicant:

- Q You stated that your age is twenty-nine? A Yes sir.  
Q And your sister states that she is thirty-five? A Yes sir.  
Q Your sister said that your father, Watt Hicks, was not a slave, and that your mother, Mollie Alexander, nor any of her parents were ever slaves; now, you said you heard that they were, whose statement is correct, yours or hers? A She is the oldest, and she should know more about it than I do; I don't know nothing about it; her statement would be right; she has raised me pretty well.  
Q Mr. Hicks, on page 18 of Volume 1 of the Choctaw Nation against the United States appears the name of Jack Jenkins; is that the name of the ancestor through whom you claim? A Yes sir.  
Q You think he is the same person? A Yes sir.  
Q Now, Mr. Hicks, because you are a little boy twenty-nine years old, and your sister is a great big woman thirty-five years old, and her statements are different from the statements you make, now in response to your attorney's question because she is so much older than you are and knows so much more you say you did not know what you were talking about when you made those statements? A I really don't know.  
Q Do you know anything about it now? A If she says so I would rather believe her than take my own.  
Q She sat there and you sat here, and you were about six feet apart, and you heard what she said? A Yes sir, some of it.  
Q Are you such a little boy that you could not hear and remember what she said? A There was so much said, and I didn't have my mind there at the time.  
Q You admit that there was a good deal on your mind then, do you? A Yes sir.  
Q When your attorney read from the Choctaw Nation against the United States on page 18 he read the name of Jack Jenkins there on Ward's list, when a few minutes ago in your examination you told me that you never heard of Ward's registry list, but in answer to your attorney's question you said that the name Jack Jenkins on Ward's list was your grandfather? A I was getting it under him; all I know is the name, that is all; not as I know anything about him at all, but just getting it under his name, as him being my mother's father.  
Q When you answered that question, in response to the question of your attorney, don't you think you got things just a little bit mixed? A Well, I am a little mixed.  
Q Well now, Joseph, we will try to get it all straight; you never heard of Ward's list did you before today? A No sir.  
Q You never heard of it until your attorney called your attention to it today, did you? A No sir.  
Q And you never heard that there was a Jack Jenkins on that list before, did you? A No sir.  
Q So you don't know whether your grandfather, Jack Jenkins, is that Jack Jenkins that he read on that list or not, do you? A No sir.

Joseph Hicks-----6

By A S McRea:

Q Have you any reason to believe that this Jack Jenkins is your grandfather? A Yes sir, I have a right to believe it.

Q Upon what grounds do you base your belief? A Well, in one sense there is my mother's;; we have always heard he was named Jack Jenkins, and then I have always heard there was three of them-- that is there was three children of them, and that is the grounds that I bases upon.

Q In other words you base it upon family history and tradition? A Yes sir, thats right.

By the Commission:

Q What do you base on family history and tradition, the fact that you had a grandfather names Jack Jenkins? A Yes sir, I have always heard that.

Q And you will stick to that will you? A Yes sir, you bet you!

Q But you never heard anything in your family history and tradition about Ward's registry list did you? A No sir, never heard anything about that.

Q Now, you will stick to that won't you? A Yes sir.

Q If your lawyer takes you again you will stick to that will you? A How is that?

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Muskogee, Indian Territory, on the 20th day of March, 1903, and that the within and foregoing is a full, true, and correct transer ipt of his stenographic notes in the same.

Subscribed and sworn to before me this 31 day of March, 1903.

*Charles H. Sawyer*

Notary Public.

M.C.R. 7150  
COPY.

Muskogee, Indian Territory, August 27, 1904.

Joseph Hicks,

Zangwill, Oklahoma Territory,

Dear Sir:

You are hereby notified that on the 10th day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mollie Alexander et al., of which decision you were advised by registered mail on the 6th day of April, 1904.

Respectfully,

(SIGNED)

*James Bixby.*

Chairman.



M C R 7150

Muskogee, Indian Territory, February 27, 1905.

H. P. Bailey,  
Attorney at Law,  
Weatherford, Oklahoma.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 26th instant, asking to be advised the status of the claim of Joseph Hicks, et al.

In reply you are informed it appears from our records that on August 10, 1904, the Secretary of the Interior approved the Commission's decision of March 15, 1904, refusing the application made by Joseph Hicks for the identification of himself and four minor children, Joseph, Mary, Peggy A. and Willie Hicks, as Mississippi Choctaws, of which departmental action the principal applicant was duly notified on August 27, 1904.

This case is now considered closed, and it is not believe that any of the applicants are in any manner entitled to possessory rights of the tribal property of the Choctaws and Chickasaws.

Respectfully,

Commissioner in Charge.

7150

No. 7150

## FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 20 1903

Name

Joseph Hicks -

Age

29

Blood

~~1/4~~  $\frac{3}{8}$ 

Post Office,

Zanquill, Okla T.

Father;

Watt Hicks, negro.

d

Mother;

Mollie Alexander,  $\frac{3}{4}$  l.

Claims through

mother,  $\frac{3}{4}$ 

wife.

Lola Hicks — l. col.

No claim for wife —

Children:

Joseph Hicks -

7

Mary

"

5

Peggy A "

3

Willie

"

x.

1

Claims for self &  
4 minors

Stenographer

W. H. Martin



FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.

R. 71

Joseph Hicks, et al  
**REFUSED.**

NOTICE ON FOR  
APPLICANT APR - 6 1904

YOUR  
ATTORNEYS  
CHICK/SAW

APR

RECORD FORWARDED DEPARTMENT

**ACTION APPROVED BY  
SECRETARY OF INTERIOR.  
AUG 10 1904**

NOTICE OF DEPARTMENTAL  
ACTION MAILED APPLICANT.

AUG 27 1904

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT.

1904

REFER TO M.O.P. 7194

Choctaw MCR 7151

Andrew J. Hanks

MCR 7151

#7151.

Department of the Interior,  
Commission to the Five Civilized Tribes.  
Muskogee, Indian Territory,  
March 20, 1903.

In the matter of the application of Andrew Jackson Hanks  
for the identification of himself and his three minor children,  
Reno, Bettie and Roosevelt Hanks, as Mississippi Choctaws.

Thomas and Harrison, attorneys for applicants.

Andrew Jackson Hanks being duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Andrew Jackson Hanks.  
Q What is your age? A Forty-one years old today.  
Q What is your post office address? A Here I reckon; I brought my family here.  
Q Muskogee? A Yes sir.  
Q You have just come to Muskogee, and intend to reside here?  
A Yes sir, this year; that is my intention now.  
Q Where did you live before you came to Muskogee? A Bath County, Kentucky.  
Q Did you always live in Kentucky up to this time? A Yes sir.  
Q Is your father living? A Yes sir, he has been here to register.  
Q What is his name? A Fielding Hanks.  
Q Is your mother living? A No sir.  
Q What was her name? A Sarah F. Gilmore.  
Q That was her maiden name, Gilmore? A Yes sir.  
Q Then she became Sarah F. Hanks? A Yes sir.  
Q Do you claim through your father? A Yes sir.  
Q How much Choctaw blood do you claim? A One eighth.  
Q Was your father one quarter Choctaw? A Yes sir.  
Q Has he ever been recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir, I reckon not.  
Q Do you know when your father came before the Commission to be identified as a Mississippi Choctaw? A It was about two months ago I reckon.  
Q Is your wife living? A One; I have been married twice.  
Q Have you children by both your wives? A Yes sir.  
Q What was your first wife's name? A Georgia Cummings.  
Q That was her maiden name? A Yes sir.  
Q Is she dead? A Yes sir.  
Q How long has she been dead? A About ten years I reckon.  
Q What was her race? A White.  
Q Your second wife's name is what? A Rurah Chester.  
Q Is she living? A Yes sir.  
Q Is she white too? A Yes sir.  
Q Do you claim for this wife? A No sir.  
Q Have you children living by your first wife? A Yes sir, one.  
Q What is the name? A Reno.  
Q How old? A Fifteen.  
Q How many children by your second wife? A Two.  
Q What is the name of the first? A Bettie.  
Q How old? A Five.  
Q The next? A Roosevelt.  
Q How old? A Two.  
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory, with the names of your children? A Yes sir.

Andrew J Hanks-----2

Q You are not enrolled here in the Choctaw Nation, are you?

A No sir, O, no.

Q When were you married to your first wife? A I have got the proof here (Presents paper).

Certified copy of the marriage certificate of the marriage of A. J. Hanks----

Q Is that your name? A Yes sir.

to Georgia Cummings presented by this applicant, received, filed, marked "Exhibit A", and made a part of the record in this case.

Q Have you the proof of the marriage to your second wife? A Yes sir (Presents paper).

Certified copy of the marriage license and certificate of the marriage of A. J. Hanks, who is this applicant, and Rina Chester, is presented by him, received, filed, marked "Exhibit B", and made a part of the record in this case.

Q Is Rina, R-i-n-a, Chester your wife, Rurah Hanks? A Yes sir.

Q How do you spell it? A R-u-r-a-h.

Q It is spelled R-i-n-a here? A It is spelled wrong then.

Q You have it right have you? A Yes sir, that is the way she spells her name to me.

Q Have you ever made application for citizenship in the Choctaw Nation for yourself and these children either to the Choctaw tribal authorities in the Indian Territory, or to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1895? A No.

Q Have you ever been admitted with your children to citizenship in the Choctaw Nation by any authority whatever up to the present time? A No.

Q Do you come before the Commission now to be identified as a Mississippi Choctaw and to identify these children as Mississippi Choctaws? A Yes sir.

Q Do you claim under article 14 of the treaty of 1830? A Yes sir.

Article 14 of that treaty is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Andrew J Hanks-----3

- Q Do you understand that article now? A Yes sir.
- Q What is the name of your Choctaw ancestor through whom you claim now? A John Harper.
- Q Do you claim through his wife? A Yes sir, I reckon so.
- Q What was her name? A Mary Ann.
- Q How much Choctaw blood did they have? A It seems like they were full blooded.
- Q Do you know? A I dont know myself.
- Q What relation was John Harper to you? A Great great grandfather.
- Q And his wife your great great grandmother? A Yes sir.
- Q You claim through your father? A Yes sir.
- Q And he claimed through whom, father or mother? A His father.
- Q What was his name? A William Hanks.
- Q William Hanks claimed through whom, father or mother? A A His mother.
- Q Her name was what? A Her name was Mary Ann I reckon.-- I have got that a little wrong.
- Q Well, you dont know very much about it yourself, do you? A No sir, only just hearsay, but I know my great grandfather was named Fielding Hanks, and my father is Fielding Hanks.
- Q And your great grandfather, Fielding, was a son of John Harper? A Son-in-law.
- Q Then Fielding Hanks married a daughter of John Harper and Mary Ann, and her name was what? A Mary Ann.
- Q You said that Mary Ann was the wife of John Harper? A Yes sir.
- Q Well, did Fielding Hanks marry Lydia? A I dont know; I have got that mixed myself.
- Q Did any of your Choctaw ancestors live in the old Choctaw Nation either in Mississippi or Alabama in the old Choctaw Nation in 1830 and have a family there then? A None only John Harper
- Q Did John Harper live there? A I dont know whether he did or not.
- Q You dont know whether any of your Choctaw ancestors lived in the old Choctaw Nation in 1830 and had a family there then? A No sir.
- Q Did any of your Choctaw ancestors go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A I dont know.
- Q Did any of them go with the other Indians between 1833 and 1838 or '40? A No sir.
- Q Did any of them live on land in the old Choctaw Nation for five years and then get a patent for that land from the government? A I dont know.
- Q Did any of your Choctaw ancestors go before Colonel Ward, the United States Indian Agent, within six months from the ratification of the treaty of 1830 and register or attempt to register under article 14 of the treaty of 1830? A I dont know.
- Q Did any of your Choctaw ancestors own any improvements on land in that old Choctaw Nation in 1830? A No sir, I dont know.
- Q Did any of them go before the Commission of 1837 or the Commission of 1842, which commission were appointed under various acts of Congress to hear Choctaw Indian claimants who had tried to register under article 14 of the treaty of 1830, and had been refused registration by Colonel Ward? A I dont know.

Andrew J Hanks-----4

These Indians were refused by Colonel Ward the right of registration, and because of his conduct in reference to their cases these Indians lost the lands which they had occupied in the old Choctaw Nation; that land was taken from them by the agents of the government and sold at its public land sales.

- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi, Alabama, Louisiana, or Arkansas? A Not as I know of.

This scrip was issued under an act of Congress approved August 23rd, 1842.

- Q Do you understand or speak the Choctaw language? A No sir.

Thirty days time is allowed this applicant in which to introduce other proof, if he desires, in this case.

- Q Are you related to Jasper Chambers? A Yes sir, we all claim kin through each other.  
Q Are you related to Jasper Chambers? A Yes sir.  
Q What relation are you to him? A I couldn't tell you now.  
Q But you know you are related? A Yes sir.  
Q And also to C. C. Hanks? A Yes sir.  
Q What relation? A Him and my father are own cousins.

The case of Jasper Chambers, M C R 5670, is referred to for the purpose of consolidation. Also the case of C. C. Hanks, et al., M C R 6508, is referred to.

The deposition of Albert Holly is presented by applicant, received, filed, marked "Exhibit C", and made a part of the record in this case.

Also the affidavit of Emily Darnell is presented by applicant, received, filed, marked "Exhibit D", and made a part of the record in this case.

This applicant has the appearance and physical characteristics of being descended from white parentage; he has black hair, now somewhat gray; reddish mustache; brown eyes; medium ruddy complexion. He has no knowledge of the Choctaw language and no knowledge of a compliance on the part of his ancestors with any of the provisions of article 14 of the treaty of 1830.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Muskogee, Indian Territory, on the 20th day of March, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

Subscribed and sworn to before me this 31 day of March, 1903.

*Charles H. Sawyer*

Notary Public.

M.C.R. 7151.

Muskogee, Indian Territory, November 6, 1903.

Andrew Jackson Hanks,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of yourself and minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Commissioner in Charge.

M.C.R. 7151.

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,

Attorneys-at-Law,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission has this day notified Andrew Jackson Hanks that he will be allowed thirty days from this date in which to submit further evidence in support of the application of himself and minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Commissioner in Charge.



MCR.7151

Muskogee, Indian Territory, March 19, 1904.

Andrew J. Hanks,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers et al., of which the application made by you for the identification as Mississippi Choctaws of yourself and your three minor children, Rene, Bettie and Roosevelt Hanks, was made a part, refusing said application.

You are further advised that a copy of such decision has been furnished your attorneys of record, Messrs Thomas & Harrison, Muskogee, Indian Territory; that the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted, together with such argument and brief as may be submitted by your attorneys of record, to the Secretary of the Interior for his consideration.

Respectfully,

Commissioner in Charge.

Registered.

COMMISSIONERS:  
TAMS BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

WM. O. BEALL,  
Secretary.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:

Y C R 7181

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, June 26, 1905.

Andrew J. Hanks,  
Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered letter on the 19th day of March, 1904.

Respectfully,

Chairman.

7151

No.

7151

## FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 20 1903

Name Andrew J. Hanks.

Age 41 + Blood 1/8

Post Office, Muskogee, I. T.

Father: Fielding Hanks. l.

Mother: Sarah F. " d

Claims through father 1/4

Wife (1)

George Hanks (d) w

Wife (2)

Rurah " (l) w.

No claim for wife -

Children:

1 Reno Hanks. 15-

Child by 1st wife -

2 Bethie Hanks. 5

3 Roosevelt " 2

2 and 3 are children  
by 2nd wife -Claim for self  
and 3 minors

Stenographer W. H. Martin

FILED  
FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.

R. 71

Andrew J. Hanks, et al

DECISION RENDERED.

MAR 4 1904

COPY OF DECISION FORWARDED  
ATTORNEYS FOR CHOCTAW AND  
CHICKASAW NATIONS.

MAR 4 1904

NOTICE OF DECISION. MAILED APPLICANT. MAR 19 1904

COPY OF DECISION FORWARDED  
ATTORNEY FOR APPLICANT.

MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904.

ACTION APPROVED BY  
SECRETARY OF INTERIOR.

MAR 26 1905

NOTICE OF DEPARTMENTAL  
ACTION MAILED APPLICANT

JUN 26 1905

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT.

JUN 9 1905

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

JUN 26 1905

REFER TO M. C. R.

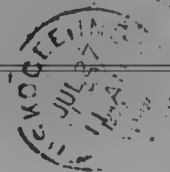
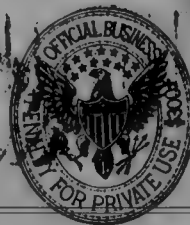
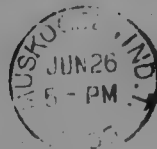
5670

JUL 27 1905

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOCOE, IND. TER.



15151

Name Not in City Directory.

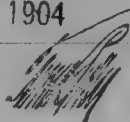
Andrew T. Hanks,

Muskogee, Indian Territory.



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
**FILED**

APR 26 1904

A handwritten signature in dark ink, appearing to be "H. H. H." or similar, written over a horizontal line.

CHAIRMAN



Department of the Interior.

Commission to the Five Civilized Tribes,  
MUSKOCHEE, IND. TER.

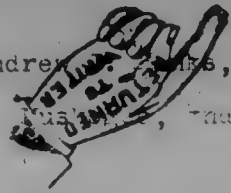
OFFICIAL BUSINESS.

Penalty for private use, \$300.

RECEIVED

23

Andre...



TO SENDER  
Indian Territory.

MAR 2, 1904



Choctaw MCR 7152

Della Chappell

MCR 7152

22

#7152.

Department of the Interior,  
Commission to the Five Civilized Tribes.  
Muskogee, Indian Territory,  
March 20, 1903.

In the matter of the application of Della Chappell for  
identification as a Mississippi Choctaws.

Thomas & Harrison, attorneys for applicant.

Della Chappell being duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Della Chappell.  
Q What is your age? A Twenty-two.  
Q What is your post office address? A Los Banos, California.  
Q How long have you lived there? A Twenty-two years.  
Q Is your father living? A Yes sir.  
Q Is your mother living? A Yes sir.  
Q What is your father's name? A Frank Chappell.  
Q What is your mother's name? A Lizzie Cheatham.  
Q That was her maiden name? A Yes sir.  
Q Through which parent do you claim Choctaw blood? A Mother.  
Q How much do you claim? A One sixteenth.  
Q Do you claim your mother is one eighth Choctaw? A Yes sir.  
Q Has she ever been recognized or enrolled as a Choctaw Indian  
by the Choctaw tribal authorities or the United States author-  
ities in the Indian Territory? A No sir.  
Q You are not married? A No sir.  
Q You claim for yourself alone? A Yes sir.  
Q Is your name on any of the tribal rolls of the Choctaw Nation  
in the Indian Territory? A No sir.  
Q Have you ever made application for citizenship in the Choctaw  
Nation either to the Choctaw tribal authorities in the  
Indian Territory, or to the Dawes Commission under the act of  
Congress of June 10, 1896? A No sir.  
Q Have you ever been enrolled as a member of the Choctaw tribe  
of Indians by any authority whatever up to the present time?  
A No.  
Q Do you now come before the Commission to identify yourself as  
a Mississippi Choctaw? A Yes sir.  
Q Do you claim under article 14 of the treaty of 1830? A Yes  
sir.  
Q Do you understand that article? A Not very well.

A treaty is a contract or compact in writing made between  
nations. It is practically the same thing as any contract in  
writing made between individuals, but it is made between na-  
tions, and therefore is called a treaty, and an article in  
a treaty is one of its paragraphs or subdivisions or sections.  
In 1830 at a place in Mississippi called Dancing Rabbit Creek  
in the state of Mississippi such a treaty was made between  
the United States government and the Choctaw Indians, on the  
27th day of September of that Year. The object of this treaty  
made at that time was to remove the Choctaw Indians from  
the old Choctaw Nation which was partly in Mississippi and  
partly in Alabama from that old Choctaw Nation to the Choctaw

Della Chappell-----2

Nation, Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory, under the treaty, and in order to protect the interests of those Indians who stayed back in the old Choctaw Nation article 14 was drafted and put into the treaty of 1830. As I have stated before an article in a treaty is one of its paragraphs or subdivisions. Now this article 14 is the one under which you are making your claim, and is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey. In like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw Annuity."

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with the provisions of that article of that treaty, - did they do any of the things required to be done as stated in that article, or don't you know? A I don't know.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A John Harper.
- Q Do you claim through him alone? A John Harper and Mary Ann.
- Q His wife? A Yes sir.
- Q How much Choctaw blood did they have? A They were full blooded.
- Q Both full blooded? A Yes sir.
- Q What relation was John Harper to you? A My great great great grandfather--- I can count it up, my mother and father were Lizzie and Frank Chappell, and theirs was Richard Cheatham and Nancy Tolbert, and John Cheatham and Harriet Garrett were the father and mother of Richard Cheatham, and then John Cheatham and Polly Harper were the father and mother of John Cheatham, and John Harper and Mary Ann Harper were the father and mother of Polly Harper.
- Q How much Choctaw blood did John Harper have? A Full blooded.
- Q And you claim one sixteenth? A one sixteenth, yes sir.
- Q If John Harper and Mary Ann were full blood how much would Polly Harper, their daughter, have? A She would be full blooded.
- Q Do you know whether John Harper or his wife, Mary Ann Harper, both having Choctaw blood, lived in Mississippi or Alabama in the old Choctaw Nation in 1830 and had families or were the heads of families there then, just whatever you know from family history and tradition, if you have ever heard so? A I don't think so?

Della Chappell----3

- Q Do you know where John Harper was born? A No.  
Q Do you know where his wife, Mary Ann, was born? A No.  
Q Do you know where and when they died? A No.  
Q Do you know where they lived at any time? A No.  
Q Do you know whether either of them went to the United States Indian Agent, Colonel Ward, within six months after the treaty of 1830 was ratified, and registered or attempted to register under article 14 of the treaty of 1830? A Yes.  
Q Do you know whether they did register or not? A No.  
Q Do you know what they did after that attempt to register? A No.  
Q Did any of your Choctaw ancestors live on land in that old Choctaw Nation east of the Mississippi river for a period of five years after the treaty of 1830 was ratified and at the end of that time receive a patent from the government under article 14 of the treaty of 1830? A I dont know.  
Q Did any of your Choctaw ancestors go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838 or '40? A I do not know.  
Q Or at any other time between the ratification of the treaty of 1830 and the date of this application made by you today? A I dont know.  
Q Did any of your Choctaw ancestors own any improvements on land in that old Choctaw Nation east of the Mississippi river in 1830? A I dont know.

In 1837 and also in 1842, under various acts of Congress, commissions were appointed, which went to Mississippi and heard claimants under article 14 of the treaty of 1830. The reason why these Commissions were appointed, one under an act of Congress approved March 3rd, 1837, and the other under an act of Congress approved August 23rd, 1842, was because of the complaints made by Choctaw Indians that they had attempted to register under article 14 of the treaty of 1830 within six months from the ratification of the treaty, but had been prevented from doing so by Colonel Ward, and as a result of this refusal the lands had been taken from those Indians by the agents of the government and sold at its public land sales.

- Q Do you know if any of your Choctaw ancestors went before either of these two commissions and claimed any rights under article 14 of that treaty? A I have been told they did.  
Q Have you been told before which commission they went? A Why, Colonel Ward.

These commissions that we have been talking about were appointed to hear these claimants after Ward had refused these same applicants in 1831; he refused them in 1831, but in 1837 they had an opportunity to go before this commission, and also in 1842 before another commission.

- Q Do you know whether any of your Choctaw ancestors went before either of those two commission? A No.  
Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A I never heard anything about it.

This scrip was issued under an act of Congress approved August 23rd, 1842, and was given to those Choctaw Indians who proved their rights under article 14 of the treaty of 1830, and

Della Chappell-----4

also proved that their lands in the old Choctaw Nation had been taken from them and sold by the government.

- Q Do you speak Choctaw? A No.  
Q Are you related to Jasper Chambers? A I guess not, I dont know.  
Q Are you related to Christopher C. Hanks? A Not that I know of.

Thirty days time is allowed this applicant in which to introduce other proof in this case, if she desires.

By Mr Harrison, attorney for applicant:

- Q Do you know, Miss Chappell, if Polly Harper ever had a sister?  
A Yes sir.  
Q Do you remember her name? A Lydia.  
Q Whom did she marry? A Hanks.  
Q Do you remember what his name was? A Something like Fielding.  
Q If Christopher C. Hanks is a descendant of Fielding and Lydia and you being a descendant of Polly, and Polly being a sister of Lydia, then you are related to Christopher C. Hanks, are you not? A What is the relationship?  
Q Do you understand the question I have just asked you? A Yes, I think so.  
Q The premises being true is it not a fact then that you are related to Christopher C. Hanks? A I suppose so.  
Q Is it a matter of supposition with you, or is it a matter of fact, the premises being true? A I guess it is true.

That being the case, your Honor please, I would ask that this case be referred to the case of Christopher C. Hanks. Of course if the Commission determines that Christopher C. Hanks is not a descendant of Lydia Harper, and that this applicant is not a descendant of Polly Harper, or that Polly and Lydia are not sisters, the reference ought not to be made; but if those facts are true the reference ought to be made.

- Q Did you ever hear that your great great great grandfather, John Harper, or his wife, tried to get land in Mississippi in 1830 or about that time as Choctaw Indians or as a Choctaw Indian? A Yes.  
Q How have you obtained that information? A Well, being sort of family tradition I suppose, handed that way on down.  
Q You said in answer to a question of the Commission that you did not think John Harper and wife lived in Mississippi? A that I didn't know it.  
Q If you said "I dont think they lived there", did you intend to state that or that you did not know that they lived there?  
A That I didn't know it.  
Q If you made the statement that you didn't think they lived there you were mistaken about that? A Yes sir.

By the Commission: This applicant has the appearance of being descended from white parentage; she has dark brown hair, brown eyes, medium dark complexion. Has no knowledge of the Choctaw language, and has no knowledge of a compliance on the part of her ancestors with any of the provisions of article 14 of the treaty of 1830.

Della Chappell-----5

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Muskogee, Indian Territory, on the 30th day of March, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

*W. H. Martin*

Subscribed and sworn to before me this 31st day of March, 1903.

*Charles H. Sawyer*

Notary Public.

M.C.R. 7152.

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,

Attorneys-at-Law,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission has this day notified Della Chappell that she will be allowed thirty days from this date in which to submit further evidence in support of her application for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Commissioner in Charge.



K.C.R. 7152.

Muskogee, Indian Territory, November 6, 1903.

Della Chappell,

Loas Banos, California.

Dear Madam:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of your application for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Commissioner in Charge.



M.C.R. 7152

Muskogee, Indian Territory, March 19, 1904.

Della Chappell,

Los Banos, California,

Dear Madam:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers et al., of which your application for identification as a Mississippi Choctaw is a part, refusing said application.

You are further advised that a copy of such decision has been furnished your attorneys of record, Messrs. Thomas & Harrison, Muskogee, Indian Territory; that the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision. At the expiration of that time, the record, together with such argument and brief as may be submitted by your attorneys, will be transmitted to the Secretary of the Interior for his consideration.

Respectfully,

Commissioner in Charge.

Registered.

M C R 7152

Muskogee, Indian Territory, June 26, 1905.

Della Chappell,

Los Banos, California.

Dear Madam:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 19th day of March, 1904.

Respectfully,

Chairman.

715-2

No. 7152

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 20 1903

Name *Hella Chappell*

Age *22* Blood *1/16*

Post Office, *Los Banos, Cal.*

Father: *Frank Chappell. l*

Mother: *Lizzie " l*

Claims through *mother 1/8*

Children:

*claim for self alone*

Stenographer *W. H. Martin*

2 A MISSISSIPPI CHOCTAW.

*Della Chappell*

DECISION FORWARDED

MAY 4 1904

COPY OF DECISION FORWARDED  
ATTORNEY FOR CHOCTAW AND  
CHICKSAW NATIONS

MAY 6 1904

NOTICE OF DEPARTMENTAL ACTION

MAY 19 1904

COPY OF DECISION FORWARDED  
ATTORNEY FOR APPLICANT

MAY 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED BY  
SECRETARY OF INTERIOR.

MAR 2 1905

NOTICE OF DEPARTMENTAL  
ACTION FORWARDED APPLICANT.

JUN 26 1904

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT.

JUN 1

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKSAW NATIONS.

REFER TO M. C. R.

5670

Choctaw MCR 7153

Nancy A. White

MCR 7153

#7153.

Department of the Interior,  
Commission to the Five Civilized Tribes.  
Muskogee, Indian Territory,  
March 20, 1903.

In the matter of the application of Nancy Ann White for  
identification as a Mississippi Choctaw.

Thomas & Harrison, attorneys for applicant.

Nancy Ann White being duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Nancy Ann White.  
Q What is your age? A Sixty-six.  
Q What is your post office address? A Lexington, Kentucky.  
Q Have you always lived in Kentucky? A Yes sir.  
Q Is your father living? A He is not.  
Q Is your mother living? A No sir.  
Q What was your father's name? A John Cheatham.  
Q What was your mother's name? A Harriet Garrett.  
Q That was her maiden name? A Yes sir.  
Q And afterwards Harriet Cheatham? A Yes sir.  
Q Do you claim through your father or mother? A My father.  
Q How much Choctaw blood do you claim? A One fourth I think.  
Q Do you claim that your father was one half Choctaw Indian? A  
Yes sir.  
Q Have you the proof of the marriage of your father and mother  
with you now? A I have.

The joint affidavit of Sallie Hoffman and John Hoffman  
and Melissa Garrett as to the marriage of John Cheatham, Jr.,  
and Harriet Garrett, is presented by applicant, received,  
filed, marked "Exhibit A", and made a part of the record in  
this case.

- Q Has your father ever been recognized or enrolled as a member  
of the Choctaw tribe of Indians by the Choctaw tribal authori-  
ties or the United States authorities in the Indian Territory?  
A No sir.  
Q What was your husband's name? A John White.  
Q Is he now living? A He is not.  
Q What is his race? A Well, I declare I don't know; he was  
truly an American I think; his ancestors were American people.  
Q You have no minor children you want to make application for?  
A No sir, none but an afflicted child.  
Q Is your name on any of the tribal rolls of the Choctaw Nation  
in the Indian Territory? A It is not.  
Q Have you ever made application for citizenship in the Choctaw  
Nation to the Choctaw tribal authorities in the Indian Ter-  
ritory? A No sir.  
Q Have you ever made any such application to the Commission to  
the Five Civilized Tribes under the act of Congress of June  
10, 1896? A I have not.  
Q Do you come before the Commission now to be identified as a  
Mississippi Choctaw? A Yes sir.  
Q Do you claim under article 14 of the treaty of 1830? A Yes

sir.

- Q Do you understand that article, do you think? A Well, I think I understand a good deal about it.

Article 14 of the treaty of 1830 is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with the provisions of that article 14 of the treaty of 1830? A Well, yes sir, my great ancestor, grandfather, did.
- Q What was his name? A John Harper.
- Q What relation was he to you? A He was my great grandfather, my father was John Cheatham, his father was John Cheatham, my own Grandfather, and he married Polly Harper, the daughter of John Harper.
- Q Do you claim through John Harper's wife, if so what was her name? A Polly Harper.
- Q Do you claim through her? A Yes sir.
- Q What relation were John Harper and Polly, his wife, to you? A John Harper and Mary Ann,-- they usually called her Mary Ann,-- were my great grandparents.
- Q You use the name Polly here for John Harper's wife; do you mean to say that she was sometimes called Polly and sometimes Mary Ann? A Yes sir, I made a mistake in speaking of her as Polly; I heard her called Mary Ann all the time before.
- Q Were they full blood Indians? A Yes sir.
- Q That is the tradition of the family? A Yes sir, that they were full blood Choctaw Indians.
- Q Did any of your Choctaw ancestors, John Harper, or his wife, or any other, live in that old Choctaw Nation east of the Mississippi river in 1830 and were they heads of families there at that time? A They must have been.
- Q Do you think they lived there then? A They lived there about that time.
- Q Do you know exactly when? A Well, I couldn't say that I do, but it is along about that time, after 1830 about that time.
- Q Where were they born if you knew? A In Mississippi I think.
- Q How long did they live there? A I couldn't tell you that sure.
- Q Where and when did they die? A I don't know that; they died in Montgomery County, Kentucky, and was buried there,-- he was,-- I am not informed about where she died, but I thin she died

Nancy Ann White-----3

- there; they lived there the latter part of their lives.
- Q Did any of your Choctaw ancestors live on land in the old Choctaw Nation either in Mississippi or Alabama for five years and at the end of that time get a patent from the government for that land? A They did live on lands in Mississippi.
- Q Did they get a deed or patent from the government for it? A Well, they had the privilege of going out into the states if that is what you mean.
- Q I mean did they get a deed to the land after living on it for five years? A I think they did.
- Q Do you know? A I dont know.
- Q Did you ever see anybody that ever saw a deed or patent issued to John Harper or his wife from the government? A No sir, I have not.
- Q Did any of your Choctaw ancestors go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A Not to the Indian Territory, I dont think, but they went into Kentucky.
- Q Did any of your Choctaw ancestors go before the Commission of 1837 or the Commission of 1842, which commissions were appointed by various acts of Congress, the first under an act approved March 3rd, 1837, and the second under an act approved August 23rd, 1842, and claim any benefits as Choctaw Indians? A Do you mean did they go back from Kentucky?
- Q Yes, did they go back from Kentucky to go before these commissions? A They went back from Kentucky in order to register their names for claims if I understand it right.
- Q That was before Colonel Ward, wasn't it? A Yes sir.
- Q These commission were appointed a long time after he heard claimants, you dont know about that do you? A Well, I dont know that I understand it thoroughly, although it was explained to me this morning; I understand this, that he left this Mississippi Choctaw Nation and went into Montgomery County, Kentucky to live, and after that there was some new arrangement in the government or some change made that it was necessary for him to go back into Mississippi into the Choctaw Nation and register.
- Q That was before Ward? A Before this government Commissioner, Ward, and he went there and made an attempt to register, and he failed to do it on account of this drunken commissioner.
- Q That was the only time he went before any official body to claim rights as a Choctaw Indian was it? A I think so.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A Well, it was said that they did, or ought to have done so.
- Q Do you know whether they did or not? A I do not.

This scrip was issued to Choctaw Indians who proved their rights under article 14 of the treaty of 1830, and who also proved that their land had been taken from them by the government and sold at its public land sales.

- Q Do you speak or understand the Choctaw language? A I do not.

Thirty days time is allowed this applicant in which to



Nancy Ann White-----4

introduce other proof if she desires in support of this application.

- Q Are you related to Christopher C. Hanks? A Yes sir.  
Q What relationship exists between you? A If he was the son of Fielding Hanks, was he?  
Q I dont recall? A My father married Polly Harper, and Fielding Hanks married Lydia, and if Christopher Hanks was Fielding Hanks' son he must have been an own cousin to my father.

By Mr Harrison, attorney for applicant:

- Q If he was a grandson he would be related to you too? A Yes sir, they would be third or fourth cousins.

By The Commission:

- Q It is pretty well understood that he is related to you in some way? A Yes sir.  
Q Are you related to Jasper Chambers in any way? A I have heard that people by that name married into the Hanks family, but I dont know any of them.  
Q You dont know Jasper Chambers then? A No sir, I do not.  
Q You dont know about any relationship with him, do you? A I do not, we have always lived separate and apart from him, but I have always heard through my father that he is related to us.

By Mr Harrison: If your Honor please, I would like that this case be referred to M C R 6508, Christopher C. Hanks, for the purpose of consolidation.

- Q Are you related to a gentleman named Charles E. Duff? A I never heard the name before; he may have married up there in the Hanks relationship or Chambers and I have not heard of it, because I have not lived up there at all.  
Q How do you derive your information as to John Harper? A I derive it from my own close relationship, and the memory of my brothers who were older than I am and remember John Harper.

By the Commission:

- Q What was the color of your hair formerly? A Almost black, not exactly black, but almost.

This applicant is now gray; eyes blue; complexion medium light. She has no knowledge of the Choctaw language, and her knowledge of a compliance on the part of her ancestors is based on family history and tradition.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings on march 20th, 1903, and that the within foregoing is a full, true, and correct transcript of his stenographic notes in the same.

Subscribed and sworn to before me this 31 day of March, 1903.

*W. H. Martin*  
*Charles H. Sawyer*  
Notary Public.

M.O.R. 7153.

Muskogee, Indian Territort, November 6, 1903.

Thomas & Harrison,  
Attorneys-at-Law,  
Muskogee, Indian Territory.

Gentlomon:

You are heroby advised that the Commission has this day notified Nancy A. White that she will be allowed thirty days from this date in which to submit farther evidence in support of her application for identification as a Mississippi Choctaw, and at the exporation of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Commissioner in Charge.

K.C.R. 7153.

Muskogee, Indian Territory, November 6, 1903.

Nancy A. White,

Lexington, Kentucky.

Dear Madam:

~~You are hereby notified that you will be allowed thirty~~  
days from this date in which to submit further evidence in support of your application for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Commissioner in Charge.

M.C.R. 7153

Muskogee, Indian Territory, March 19, 1904.

Nancy A. White,  
Lexington, Kentucky,

Dear Madam:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers et al., of which your application for identification as a Mississippi Choctaw is a part, refusing said application.

You are further advised that a copy of such decision has been furnished your attorneys of record, Messrs. Thomas & Harrison, Muskogee, Indian Territory; that the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision. At the expiration of that time the record, together with such argument and brief as may be submitted by your attorneys, will be transmitted to the Secretary of the Interior for his consideration.

Respectfully,

Commissioner in Charge.

Registered.

M. C. R 7153

Muskogee, Indian Territory, June 26, 1905.

Nancy A. White,  
Lexington, Kentucky.

Dear Madam:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 19th day of March, 1904.

Respectfully,

Chairman.

7153

No.

7153

## FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 20 1903

Name

Nancy A. White

Age

66 -

Blood

1/4

Post Office,

Lexington, Ky -

Father:

~~John Cheatham d~~

Mother:

Harriet " d

Claims through

father  $\frac{1}{2}$  son~~Husband~~John White, (d) W

Children:

Claims for sep.

Stenographer W. H. Martin

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.

Nancy A. White

DECISION RENDERED.

MAR 4 1904

COPY OF DECISION FORWARDED  
ATTORNEY FOR CHOCTAW AND  
CHICKASAW NATIONS.

MAR 11 1904

NOTICE OF DECISION MAILED APPLICANT.

MAR 19 1904

COPY OF DECISION FORWARDED  
ATTORNEY FOR APPLICANT.

MAR 24 1904

RECORD FORWARDED DEPARTMENT.  
JUN 13 1904.

ACTION APPROVED BY  
SECRETARY OF INTERIOR.

MAR 27 1905

NOTICE OF DEPARTMENTAL  
ACTION MAILED APPLICANT.

JUN 26 1905

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT.

JUN 29 1905

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

MAR 27 1905

REFER TO M. C. R.

5670

Choctaw MCR 7154

Eva Edmonds

MCR 7154



#7164.

Department of the Interior,  
Commission to the Five Civilized Tribes.  
Muskogee, Indian Territory,  
March 20, 1903.

In the matter of the application of Eva Edmonds for the identification of herself and her five minor children, Lois, Errett W., Evalynn, Eben T., and William J. Edmonds, as Mississippi Choctaws.

Thomas & Harrison, attorneys for applicants.

Eva Edmonds being duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Eva Edmonds.  
Q What is your age? A Forty-one.  
Q What is your post office address? A Fort Smith, Arkansas.  
Q How long have you lived there? A Eight years.  
Q How long in Arkansas? A I have lived in Arkansas ten years.  
Q Before that you lived where? A In Kentucky and Boston.  
Q Were you born in Kentucky? A Yes sir.  
Q And lived there how long? A Twenty-five years.  
Q Then you went where? A To Arkansas,-- I lived in Kentucky about twenty-eight years.  
Q Is your father living? A He is not.  
Q Is your mother living? A Yes sir.  
Q What was your father's name? A John White.  
Q What is your mother's name? A Nancy White.  
Q Through which parent do you claim Choctaw blood? A Through my mother.  
Q How much do you claim? A One eighth.  
Q Do you claim your mother is one quarter Choctaw Indian? A Yes sir, I do.  
Q Has she ever been recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A She has not.  
Q Are you married? A Yes sir.  
Q Is your husband living? A He is.  
Q What is his race? A He is English.  
Q What is his name? A E. T. Edmonds.  
Q Do you make any claim for your husband? A I do not.  
Q Give me the names of your children, beginning with the oldest, under age and unmarried? A Lois Edmonds.  
Q That is a girl? A Yes sir.  
Q How old? A Sixteen.  
Q The next? A Errett W. Edmonds.  
Q How old? A Fourteen.  
Q That is a boy? A Yes sir.  
Q The next? A Evalynn Edmonds.  
Q Is that a boy? A No sir,-- nine.  
Q The next? A Eben T. Edmonds.  
Q How old? A Six.  
Q You claim for yourself and four children? A William J. Edmonds.  
Q How old is he? A Four.  
Q That is all? A Yes sir.  
Q Is your name or are the names of any of these children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A None of them.  
Q Are you and your husband living together as husband and wife

Eva Edmonds-----2

and are these children living with you at your home? A They are.

Q Is your husband, E. T. Edmonds, the father of these children?  
A He is.

Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children either to the Choctaw tribal authorities or to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A I have not.

Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States court in the Indian Territory? A We have not.

Q Do you come before the Commission now to identify yourself and these children as Mississippi Choctaws? A I do.

Q Do you claim under article 14 of the treaty of 1830? A Yes sir, we claim under that.

Q Do you understand that article, do you think? A I may not thoroughly understand it.

Q You think you understand it well enough to claim under it?  
A Yes sir.

It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q That is article 14 of the treaty of 1830 under which you make your claim today; do you know if any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article? A I only know what has been handed down by tradition through the family, that my ancestor, John Harper, went there and attempted to comply with the provisions, but was turned down by drunken Ward, the commissioner.

Q Do you claim through anybody besides John Harper? A Mary Ann Harper, his wife, was a full Choctaw.

Q What relation were they to you? A My great great grandparents.

Q How much Choctaw blood did they have? A Full Choctaws.

Q Did either of them or both of them live in Mississippi in 1830 or in Alabama in the old Choctaw Nation and have a family there at that time? A I think they must have lived there at that time.

Q Do you know where they were born and when? A I presume they

Eva Edmonds-----3

were born in Mississippi, I don't know when.

- Q Do you know where and when they died? A They died somewhere between 1830 and 33 or 4, that is John Harper did; he died in Kentucky near Mount Sterling, and was buried there.
- Q Do you know where his wife died? A I presume his wife died there also; I have no knowledge except as it has been handed down in the family.
- Q Did they or either of them go to Colonel Ward, the United States Indian Agent, within six months after the treaty of 1830 was ratified and register or attempt to register under article 14 of the treaty of 1830? A Harper himself did I understand.
- Q Did he register? A He attempted to register; in company with his friends he went down and attempted to register, and the drunken Ward Commissioner prevented him, and came back without it.
- Q That is a matter of family history and tradition? A Yes sir, that he went down there.
- Q Do you know whether he or his wife or any Choctaw ancestor of yours lived on land in that old Choctaw Nation for a period of five years after the treaty of 1830 was ratified and then received a patent from the government for that land? A I don't know that.
- Q Did any of them claim any land in the old Choctaw Nation under article 14 of the treaty of 1830? A I do not know; I presume he did when he went down there for the purpose of getting it.
- Q But you do not know? A I do not know.
- Q Did any of your Choctaw ancestors go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A I don't know.
- Q Did any of them own any improvements on land in the old Choctaw Nation in 1830? A I don't know.
- Q Did any of your Choctaw ancestors go before the Commission of 1837, a commission then organized and appointed under an act of Congress approved March 3rd, 1837, or before a commission appointed under an act of Congress approved August 23rd, 1842, and claim any benefits as Choctaw Indians under article 14 of the treaty of 1830? A I only know of that one attempt, and that was before Colonel Ward in 1830; I presume not, because he died before those commissions were appointed; he died very soon after his trip to Mississippi.
- Q Do you know whether his wife may have gone before one of those two commissions? A I do not.

These commissions were appointed under various acts of Congress for the purpose of hearing the complaints of Choctaw Indians who tried to register under article 14 of the treaty of 1830 within six months from the ratification of the treaty, but were prevented from so doing by Colonel Ward, and as a result of his preventing them their lands were taken from them in the old Choctaw Nation, and sold by the government at its public land sales.

- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A I do not know.

Eva Edmonds-----4

This scrip was issued under an act of Congress approved August 23rd, 1842.

Applicant: I presume not, because he died before then.

Commission:

- Q It might have been issued to his wife? A I presume she died very soon.
- Q You mean very soon after her husband? A I do not know when she died, before her husband or afterwards; they both died in Kentucky, and were buried there.
- Q Do you understand the Choctaw language? A I do not.

Thirty days time will be allowed this applicant in which to introduce otherproof if she desires to present such evidence.

- Q Are you related to Jasper Chambers? A I have only heard that he had married into the Hanks family.

By MR. HARRISON, attorney for applicant:

- Q Do you mean Chambers of Hanks? Did you ask if I was related to Chambers? That is all I know; I understand he married into the Hanks family.

By the Commission:

- Q Do you know what relationship exists between you and him? A I do not know what Hanks he married.
- Q Are you related to Christopher Columbus Hanks? A We are related to the Hanks people, and he is a member of the Hanks family, and we are related to him I presume.
- Q He has made application to be identified as a Mississippi Choctaw, he and others; do you want to have his case referred to in this connection? A A daughter of John Harper and Mary Ann, Lyda, married a Hanks, Fielding Hanks.
- Q Do you care to have your case connected with his by reference?

By Mr. Harrison: Yes sir.

By the Commission: The application of Christopher C. Hanks, et al., M C R 6508, is here referred to, being claimants for identification as Mississippi Choctaws, who base their claim through the same ancestor as this applicant.

By Mr. Harrison: I would like, if your Honor please, to present in proof of the marriage of the parents of this applicant a certified copy of the marriage record.

By the Commission: Certified copy of the marriage certificate between John White and Nancy Ann Cheatham is presented by applicant, received, filed, marked "Exhibit A", and made a part of the record in this case.

This applicant appears to be descended from white parentage; brown hair, brown eyes, medium fair complexion; she has no knowledge of the Choctaw language, and no knowledge of a compliance on the part of her ancestors with the provisions of article 14 of the treaty of 1830 except family history and tradition.

eva Edmonds-----5

By Mr. Harrison:

- Q You dont know it to be a fact, do you, that John Harper and his wife lived in Mississippi in 1830? A Well, I couldn't know it to be a fact; it is only a matter of tradition in our family.
- Q Do you understand from family history and tradition that they lived in the state of Mississippi in 1830? A I understand it through the tradition if the family that--- I dont know that they lived there in 1830-- they may have lived there prior to that time; I do not kn w; it is only a matter of tradition.
- Q Is it not a part of your family history and tradition, such as you have heard, that John Harper and his wife lived in the state of Kentucky in 1830? A They lived in Kentucky in 1830, because he went there after 1830 to register, back to Mississippi.
- Q I asked you is it not a fact from family history and tradition, such as you know, that John Harper and his wife lived in the state of Kentucky in 1830? A Yes, it is.
- Q Then if you made the statement that he lived in Mississippi in 1830 were you or were you not mistaken? A I did not intend to make the statement that he lived in Mississippi in 1830; because he went after that time there to register; they must have lived there prior to that.
- Q Then if you made the statement that they lived in Mississippi in 1830 you were mistaken in that, were you not? A I think I was if I made tha statement, because I had it in my mind that they lived there prior to 1830.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Muskogee, Indian Territory, on the 20th day of March, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

Subscribed and sworn to before me this 31 day of March, 1903.

*Charles H. Sawyer*

Notary Public.

M.C.R. 7154.

Muskogee, Indian Territory, April 25, 1903.

Mrs. E.T. Edmonds,

Fort Smith, Arkansas.

Dear Madam:

Receipt is hereby acknowledged of your communication of April 19, 1903, in which you state: "I wish to correct a mistake I made in my registration on March 23d. I recorded the age of my daughter Lois Edmonds as 16 instead of 15."

In reply, you are informed that the correct age of your daughter has been made a matter of record.

Respectfully,

Chairman.

M.C.R. 7154.

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,

Attorneys-at-Law,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission has this day notified Eva Edmonds that she will be allowed thirty days from this date in which to submit further evidence in support of the application of herself and minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M.C.R. 7154.

Muskogee, Indian Territory, November 6, 1903.

Eva Edmunds,

Fort Smith, Arkansas.

Dear Madam:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of yourself and minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.



Muskogee, Indian Territory, March 19, 1904.

Eva Edmonds,

Fort Smith, Arkansas.

Dear Madam:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which the application made by you for the identification as Mississippi Choctaws of yourself and your five children, Lois, Errett W., Evalynn., Eben T., and William J. Edmonds, was made a part, refusing said application.

You are further advised that a copy of such decision has been furnished your attorneys of record, Thomas & Harrison, Muskogee, Indian Territory; that the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted to the Secretary of the Interior for his consideration with such argument and brief as may be submitted by your attorneys of record.

Respectfully,

Registered

Commissioner in Charge.

M C R--7154

Muskogee, Indian Territory, June 26, 1905.

Eva Edmonds,

Fort Smith, Arkansas.

Dear Madam:

You are hereby notified that on the 30th day of March, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 19th day of March, 1904.

Respectfully,

Chairman.

7154

No. 154

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 20 1903

Name Eva Edmonds

Age 41 - Blood 1/8

Post Office, Fort Smith, Ark.

Father: John White, d

Mother: Nancy " f

Claims through mother 1/4

Husband

E. T. Edmonds, S. W.

No claim for husband

Children:

Lois Edmonds, F. 16

Errett W. " 14

Evelyn " F 9

Eben T. " 6

William J. " 4

Claim for self  
and 5 minors

Steno-grapher

W. H. Martin

REFUSED  
FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.

Eva. Edmonds, et al

DECISION RENDERED.

MAR 4 1904

COPY OF DECISION FORWARDED  
ATTORNEY FOR CHOCTAW AND  
CHICKASAW NATIONS.

MAR 4 1904

NOTICE OF DECISION MAILED APPLICANT. MAR 19 1904

COPY OF DECISION FORWARDED  
ATTORNEY FOR APPLICANT.

MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED BY  
SECRETARY OF INTERIOR.

MAR 2 1905

NOTICE OF DEPARTMENTAL  
ACTION MAILED APPLICANTS

JUN 26 1905

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR APPLICANTS

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW

REFER TO M. C. R.

5370

Choctaw MCR 7155

Harry S. Cheatham

MCR 7155

#7155.

Department of the Interior,  
Commission to the Five Civilized Tribes.  
Muskogee, Indian Territory,  
March 20, 1903.

In the matter of the application of Harry S. Cheatham for  
identification of himself and his two minor children, Floyd D/  
and Cullum I. Cheatham, as Mississippi Choctaws.

Thomas & Harrison, attorneys for applicants.

Harry S. Cheatham being duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Harry S. Cheatham.  
Q What is your age? A Thirty-one.  
Q What is your post office address? A Los Banos, California.  
Q How long have you lived there? A About twenty-eight years.  
Q Where were you born? A State of Kentucky.  
Q And went from there to California? A Yes sir.  
Q Is your father living? A No sir.  
Q Is your mother living? A Yes sir.  
Q What was your father's name? A Richard Cheatham.  
Q What is your mother's name? A Nancy J. Cheatham.  
Q Do you claim through your father or mother? A Father.  
Q How much Choctaw blood do you claim? A One eighth.  
Q Do you claim your father is one quarter Choctaw Indian? A  
Yes sir.  
Q Has he ever been enrolled or recognized as a member of the  
Choctaw tribe by the Choctaw tribal authorities or the United  
States authorities in the Indian Territory? A Not that I  
know of.  
Q Are you married? A Yes sir.  
Q Is your wife living? A Yes sir.  
Q What is her race? A American.  
Q She is white? A White.  
Q What is her name? A Maud E. Cheatham.  
Q Do you make any claim for her? A No sir.  
Q Have you children? A Yes sir.  
Q What is the name of the oldest? A Floyd D. Cheatham.  
Q How old? A Five year old.  
Q The next? A Cullum I. Cheatham, three year old.  
Q Is that all the children? A Yes sir.  
Q Is your wife, Maud E. Cheatham, the mother of these children?  
A Yes sir.  
Q Have you the proof of your marriage to her with you? A Yes  
sir (Presents a paper)

Certified copy of the marriage license of the marriage  
of Harry Cheatham and Maud Nichols presented by this appli-  
cant, received, filed, marked "Exhibit A", and made a part of  
the record in this case.

- Q Have you ever made application for citizenship in the Choctaw  
Nation for yourself and children either to the Choctaw tribal  
authorities in the Indian Territory or to the Dawes Commission  
under the act of Congress of June 10, 1896? A No sir.  
Q Have you or your children ever been admitted to citizenship  
in the Choctaw Nation by any authority whatever up to the  
present time? A No sir.  
Q Is your name or are the names of your children on any of the

Harry S Cheatham-----2

tribal rolls of the Choctaw Nation in the Indian Territory?

A No sir.

Q Do you want to be identified with the Mississippi Choctaws?

A Yes sir.

Q Do you claim under article 14 of the treaty of 1830? A Yes sir.

Q Do you understand that article? A Yes sir.

Article 14 is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you know if any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article, as quoted to you? A I don't know.

Q What is the name of your ancestor, or are the names of your ancestors, through whom you claim your right to be identified as a Mississippi Choctaw? A John Harper.

Q Do you claim through his wife, Mary Ann Harper? A Yes sir.

Q How much Choctaw blood did they have? A Full blood.

Q What relation were they to you? A My great great grandfather and great great grandmother.

Q Do you know whether they lived in Mississippi or Alabama in the old Choctaw Nation in 1830 and had a family there at that time? A I don't know.

Q You claim through which parent? A My father.

Q And he claimed through whom? A He claimed through John Cheatham.

Q His father? A Yes sir.

Q Your grandfather? A Yes sir.

Q And John Cheatham claimed through whom? A John Cheatham.

Q His father was named John Cheatham? A Yes sir.

Q This second John Cheatham claimed through whom? A John Harper.

Q And his wife, Polly? A Yes sir, or Mary Ann Harper.

Q Do you know whether any of your Choctaw ancestors whose names you have given went to Colonel William Ward, the United States Indian Agent, within six months after the treaty of 1830 was ratified, and registered or attempted to register under article 14 of the treaty of 1830? A I don't know.

Q Did any of your Choctaw ancestors live on land in that old Choctaw Nation either in Mississippi or Alabama for five years after the treaty of 1830 was ratified and at the end of that time get a patent or deed from the government for that land? A No sir.

Harry S Cheatham-----3

- Q Did any of your Choctaw ancestors go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A I dont know.
- Q Or at any other time between 1833 and 1838 with the other Indians at the expense of the government? A I dont know.
- Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in 1830 or 1831? A I couldn't tell.
- Q Did any of your Choctaw ancestors go before the Commission of 1837, appointed by an act of Congress approved March 3rd, 1837, or before a commission appointed by an act of Congress approved August 23rd, 1842, and claim any benefits under article 14 of the treaty of 1830? A I dont know.

These commissions were appointed in these different years for the purpose of hearing the complaints of Choctaw Indians who claimed they had registered within six months from the ratification of the treaty of 1830 under article 14, but had been prevented from being placed on Ward's registry list by Colonel Ward himself; and as he would not allow them to register and their names not appearing on Ward's registry list, the government officials afterwards took their lands from them in the old Choctaw Nation and sold them.

- Q You dont know whether any of your Choctaw ancestors went before either of these commissions? A No sir, I do not.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A I dont know.

This scrip was issued under an act of Congress approved August 23rd, 1842.

- Q Do you speak the Choctaw language? A I do not.

Thirty days time is allowed this applicant in which to introduce other proof in this case if he desires to do so.

By Mr. Harrison, attorney for applicant:

- Q Are you related to C. C. Hanks? A I dont know.
- Q Have you ever heard the Hanks family being mentioned by members of your family as your kin people? A Yes sir.
- Q And whom do they claim through, if anyone? A Lydia Harper.
- Q Who was Lydia Harper? A I dont know.
- Q You dont know who Lydia Harper was? A No sir.
- Q Have you ever heard who she was? A No sir.
- Q Have you ever heard that John Harper had two daughters? A I have heard he did, yes sir.
- Q Do you remember to have heard what their names were? A I dont remember their names.
- Q What you know about your great great grandparents is what you have been taught by family history and tradition, is it? A Yes sir.
- Q Is C. C. Hanks is a descendant of Lydia Harper, who is supposed to have been a sister of Polly Harper, and you being descended from Polly Harper, then you must be related to C. C. Hanks, must you not? A Yes sir.



Harry S Cheatham-----4

By Mr. Harrison: We would like for this case to be referred to the Hanks case, 6508.

By the Commission: This applicant appears to be descended from white parents; he has dark brown hair; light brown mustache; ruddy complexion; blue eyes. He has no knowledge of the Choctaw language, and no knowledge of a compliance on the part of his ancestors with any of the provisions of article 14 of the treaty of 1830.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Muskogee, Indian Territory, on the 20th day of March, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

*W H Martin*

Subscribed and sworn to before me this 31 day of March, 1903.

*Charles H Sawyer*

Notary Public.

K.C.R. 7155.

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,

Attorneys-at-Law,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission has this day notified Harry S. Cheatham that he will be allowed thirty days from this date in which to submit further evidence in support of the application of himself and minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Commissioner in charge.

M.C.R. 7155.

Muskogee, Indian Territory, November 6, 1903.

Harry S. Choatham,

Los Banos, California.

Dear Sir :

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of yourself and minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Commissioner in Charge.

MCR.7155

Muskogee, Indian Territory, March 19, 1904.

Harry B. Cheatham,

Los Banos, California.

Dear Sir:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers et al., of which the application made by you for the identification as Mississippi Choctaws of yourself and your two minor children, Floyd D. and Cullum I. Cheatham, was made a part, refusing said application.

You are further advised that a copy of such decision has been furnished your attorneys of record in the case, Messrs Thomas & Harrison, and that the record will be retained by the Commission for thirty days from the date of the rendition of the decision, at the expiration of which time it will be transmitted, together with such argument and brief as may be submitted by your attorneys of record, to the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

Registered.

Muskogee, Indian Territory, June 26, 1905.

*Harry*  
Henry S. Cheatham,

Los Banos, California.

Dear Sir:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 19th day of March, 1904.

Respectfully,

Chairman.

7155.

No. 7155

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 20 1903

Name

Nancy J. Cheatham.

Age

31 —

Blood

1/8

Post Office.

Los Banos, Cal.

Father:

Richard Cheatham, d

Mother:

Nancy J. " l

Claims through

father 1/4

Wife.

Maud E. Cheatham l. w

No claim for wife

Children:

Floyd R. Cheatham, 5

Cullum J. " 3

Claims for self &  
& minors

Stenographer W. H. Martin -

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW;

*Harry S. Heatham, Jr.*

DECISION RENDERED.

MAR 4 1904

COPY OF DECISION FORWARDED  
ATTORNEYS FOR CHOCTAW AND  
CHICKASAW NATIONS.

MAR 4 1904

NOTICE OF DECISION MAILED APPLICANT. MAR 12 1904

COPY OF DECISION FORWARDED  
ATTORNEY FOR APPLICANT.

MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED BY  
SECRETARY OF INTERIOR.

MAY 7 1905

NOTICE OF DEPARTMENTAL  
ACTION MAILED APPLICANT.

JUN 26 1905

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT.

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

REFER TO M. C. R.

5670

Choctaw MCR 7156

James W. Cheatham

MCR 7156



#7156.

Department of the Interior,  
Commission to the Five Civilized Tribes.  
Muskogee, Indian Territory,  
March 20, 1903.

In the matter of the application of James W. Cheatham for the identification of himself and his six minor children, Pearl F., Hazel F., Adella M., Jessie E., Mabel R., and Flora Cheatham, as Mississippi Choctaws.

Thomas & Harrison, attorneys for applicants.

James W. Cheatham being duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A James W. Cheatham.  
Q What is your age? A Forty-six.  
Q What is your post office address? A San Diego, California.  
Q Where were you born? A State of Kentucky.  
Q And went from there to California? A Yes sir.  
Q Where in Kentucky were you born? A Nicholas County.  
Q Is your father living? A No sir.  
Q Is your mother living? A Yes sir.  
Q Through which do you claim Choctaw blood? A Father.  
Q How much do you claim? A One eighth.  
Q What is your father's name? A Richard Cheatham.  
Q What is your mother's name? A Nancy J. Cheatham.  
Q Have you the proof of the marriage of your father and mother here, or has it been filed by someone here today?

By Mr. Harrison, attorney for applicant: It will be filed with Mr. Risteen by W. T. Cheatham, who is now awaiting registration.

By the Commission:

- Q Has your father been recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A He has not.  
Q Is your wife living? A No sir.  
Q Have you minor children? A Yes sir.  
Q How many? A Six.  
Q Is your deceased wife the mother of these children? A Yes sir.  
Q What was her name? A Jessie E. Cheatham.  
Q What was her race? A White.  
Q What is the name of the oldest child you want to make application for? A Pearl F.  
Q How old? A Seventeen.  
Q The next? A Hazel F.  
Q How old? A Fifteen.  
Q The next? A Adella M.  
Q How old? A ~~Thirteen~~ <sup>Eleven</sup>.  
Q The next? A Jessie E.  
Q A boy? A No sir, girl.  
Q How old? A Eleven.  
Q The next? A Mabel R.  
Q How old? A Nine.  
Q The next? A Flora.  
Q How old? A Five.

James W Cheatham-----2

- Q Is that all? A Thats all.  
Q Is Jessie E. Cheatham, your wife, the mother of these children?  
A Yes sir.  
Q Are they living with you at your home? A Yes sir.  
Q When were you married to your wife? A '82.  
Q Have you the proof of your marriage with you? A I have (presents a paper).

Certified copy of the marriage license of the marriage of James W. Cheatham and Jessie E. Rooker, presented by this applicant, received, filed, marked "Exhibit A", and made a part of the record in this case.

- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No.  
Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities in the Indian Territory? A No sir.  
Q Have you ever made application for citizenship in the Choctaw Nation for yourself or your children to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No, never have.  
Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No.  
Q Do you come before the Commission now to identify yourself and these children as Mississippi Choctaws? A I do.  
Q Do you claim under article 14 of the treaty of 1830? A Yes.  
Q Do you understand that article? A Perhaps not fully, I have read it several times.

It reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied with that article? A I do not know.  
Q What is the name of your ancestor or what are the names of your ancestors through whom you make this claim? A Jehn Harper and Mary Ann Harper, his wife.  
Q What relation were they to you? A Great great grandfather.  
Q Great great grandfather and great great grandmother? A Yes sir.

James W Cheatham-----3

- Q Were they full bloods, or half bloods? A Full bloods.
- Q Did they live in Mississippi in 1830? A I think not.
- Q Did they ever live in Mississippi or Alabama in the old Choctaw Nation? A I have understood so.
- Q When and where? A Prior to that time, but just when I couldn't say.
- Q Prior to what time? A 1830.
- Q Where were John Harper and his wife when the treaty of 1830 was ratified, that is in 1831? A I have understood in Kentucky.
- Q Did they go before Colonel William Ward, the agent, and attempt to register under article 14 of the treaty of 1830 within six months after the ratification of that treaty? A I understood he made an attempt.
- Q Where did he come from? A Kentucky.
- Q Did he succeed? A I believe not.
- Q What did he do then? A Returned I believe to Kentucky.
- Q Did he make any application for Mary Ann, his wife? A That I don't know.
- Q Is your family history and tradition silent on that question? A Well, we have--- no, it is not silent that I know of-- I have heard it talked; but that is the way I find it by persons that know of it.
- Q A great many applicants have been before the Commission making claim through Mary Ann Harper. They always give John Harper as the one they claim through, and when asked about his wife Mary Ann, they state that they do claim through her too, and she was a full blood, but they don't know anything about her; is that the family history and tradition? A That is my knowledge; I can tell you what I have heard, and that is all.
- Q I would like to know how you know positively that John Harper and wife, Mary Ann, had any Choctaw blood?

By Mr. Harrison, attorney for applicant: He doesn't say he knows it positively.

By the Commission:

- Q Well, he did say so; how do you know it? A I couldn't tell you; I have been told about it.
- Q Did any of your Choctaw ancestors live on land in the old Choctaw Nation east of the Mississippi river for a period of five years, and then get a patent from the government for that land? A Not that I know of.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838, or at any other time between the ratification of the treaty of 1830 and the date of this application made by you today? A I couldn't tell you that.
- Q Did any of your Choctaw ancestors claim any land in the old Choctaw Nation under article 14 of the treaty of 1830? A I couldn't tell that.
- Q Did any of them own any improvements on land in the old Choctaw Nation in 1830? A I couldn't tell you.

In 1837 and also in 1842 commissions were appointed; the first commission under an act of Congress approved March 3rd, 1837, and the second commission under an act of Congress approved August 23rd, 1842. These commissions were appointed for the purpose of hearing Choctaw Indians who tried to register under article 14 of the treaty of 1830 within six months from the ratification of that treaty, but because they were

James W Cheatham-----4

prevented from doing so by Colonel William Ward, the Agent, their lands had been taken from them by the Agents of the government and sold at its public land sales.

- Q Did you ever hear that nay of your Choctaw ancestors went before either of these two commissions and claimed any rights under article 14 of the treaty of 1830? A No sir, I did not.
- Q Did any of them receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A Not that I know of.

This scrip was issued under an act of Congress approved August 23rd, 1842.

- Q Do you speak or understand the Choctaw language? A I do not.

This applicant will be allowed thirty days time  
in which to introduce other proof in this case, if he desires to do so.

By Mr. Harrison:

- Q What relation if any are you to C. C. Hanks? A I couldn't tell you that.
- Q Have you ever heard of C. C. Hanks as being a descendant of John Harper? A Well, I couldn't say the name C. C. Hanks; I have heard the name of Hanks, and know the Hanks are relatives of mine, but as to C. C. Hanks I couldn't say.
- Q Where do these Hanks of whom you speak live? A In Montgomery County, Kentucky.
- Q If C. C. Hanks is a resident of Kentucky, and a descendant of Lydia Hanks, who was a sister of Polly Harper, and you are a descendant of Polly Harper, all claiming through John Harper and Mary Ann Harper, then you must be related to Christopher C. Hanks? A Yes sir, we must.

I ask, if your Honor please, that this case be referred to, M C R 6508, C. C. Hanks.

- Q You do not undertake, do you, to say that positively that John Harper and wife were full bloods? A No, I couldn't say that the were from my own personal knowledge.
- Q Then if you made that statement you were mistaken in it were you not? A If I said I knew it positively I was mistaken.
- Q You have been informed, have you not, through family history and tradition that they were full bloods? A Yes sir.
- Q And of the Choctaw Indian race? A The Choctaw tribe, yes sir.

By the Commission: This applicant appears to be descended from white parentage; he has light brown hair; light brown mustache and whiskers; blue eyes; ruddy complexion. He has no knowledge of the Choctaw language, and no knowledge of a compliance on the part of his ancestors with any of the provisions of article 14 of the treaty of 1830.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he re-

James W Cheatham-----5

corded in full the above proceedings at Muskogee, Indian Territory, on the 20th day of March, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

*W H Martin*

Subscribed and sworn to before me this 31 day of March, 1903.

*Charles H. Sawyer*  
Notary Public.

M C R 7156

Muskogee, Indian Territory, May 2, 1903.

James W. Cheatham,

Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 29th ultimo, advising change of post office address to Atoka, Indian Territory. A proper record has been made of such change.

In your letter you ask "Could I have a report of 1902?"

In reply you are informed that the Commission at the present time has no copies of its 9th annual report for distribution, the supply having been exhausted.

Respectfully,

Chairman.

Muskogee, Indian Territory, May 6, 1903.

J. W. Cheatham,

Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 24th ultimo, by reference from the Secretary of the Interior. Therein you state that you live in California and are not able to remove your family to Indian Territory "without placing our interest in the hands of speculators to move, build houses, etc." You ask "Is there no means by which all such can be protected?"

In reply to your letter you are informed that it appears from our records that on March 20, 1903, you appeared before the Commission and made application for the identification of yourself and six minor children as Mississippi Choctaws. The Commission has not up to the present time reached any opinion or decision relative to your right to such identification. As soon as a decision is rendered you will be duly notified of the action of the Commission.

It is not believed that yourself and children are at this time in any manner entitled to possessory rights of the tribal property of the Choctaw and Chickasaw Nations.

Respectfully,

Chairman.

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,

Attorneys-at-Law,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission has this day notified James W. Cheatham that he will be allowed thirty days from this date in which to submit further evidence in support of the application of himself and minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Commissioner in Charge.



M C R 7156

Muskogee, Indian Territory, November 6, 1903.

James W. Cheatham,

Atoka, Indian Territory.

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of yourself and minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Commissioner in Charge.

M CR.7156

Muskogee, Indian Territory, March 19, 1904.

James W. Cheatham,

Atoka, Indian Territory.

Dear Sir:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers et al., of which the application made by you for the identification as Mississippi Choctaws of yourself and your six minor children, Pearl F., Hazel F., Aiella W., Jessie E., Mabel R. and Flora Cheatham, was made a part, refusing said application.

You are further advised that a copy of such decision has been furnished your attorneys of record, Messrs Thomas & Harrison, Muskogee, Indian Territory; that the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted, together with such argument and brief as may be submitted by your attorneys of record, to the Secretary of the Interior for his consideration.

Respectfully,

Commissioner in Charge.

Registered.

COMMISSIONERS:  
JAMES BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

WM. O. BEALL,  
Secretary.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

NEVER IN REPLY TO THE FOLLOWING:

M C R--7156

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, June 26, 1905.

James W. Cheatham,  
Atoka, Indian Territory.

Dear Sir:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 19th day of March, 1904.

Respectfully,

Chairman.

MCR-7156

Muskogee, Indian Territory, March 22, 1907.

James W. Cheatham,  
Fort Smith, Arkansas.

Dear Sir:

Receipt is hereby acknowledged of your letter of March 2, 1907, protesting against the closing of the rolls until yourself and six minor children are admitted to citizenship.

Receipt is also acknowledged of your letter of March 2, 1907, addressed to the Secretary of the Interior and by him referred to this office for consideration and appropriate action.

In reply thereto you are advised that the application of yourself and children for identification as Mississippi Cheetaws was considered in the consolidated case of Jasper Chambers et al, M C R 5670, in which a decision adverse to the applicants was rendered by the Commission to the Five Civilized Tribes on March 4, 1904, said decision being affirmed by the Secretary of the Interior March 30, 1905.

You are further advised that said case is now before

J.W.C. No. 2.

the Secretary of the Interior on a motion for rehearing, and  
you will be notified immediately of his action therein.

Respectfully,

Commissioner.

7156

No. 7156

## FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 20 1903

Name James W. Cheatham

Age

46

Blood

1/8

Post Office,

San Diego, Cal.

Father: Richard Cheatham, d

Mother: Nancy J. " I

Claims through

father

Wife

Jessie E. Cheatham (d) w

Children:

Pearl F. Cheatham,	17
Hazel F. "	15
Adella M. "	13
Jessie E. "	11
Mabel R. "	9
Flora "	5

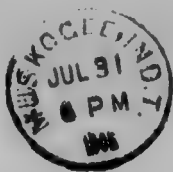
Claims for self  
and 6 minors

Stenographer

W. H. Martin



*Aug 25 1905*



Department of the Interior.

Commission to the Five Civilized Tribes,  
MUSKOGEE, IND. TER.



7156



James W. Cheatham,

Atoka, Indian Territory.

7156  
4970



REFUSED  
FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.

R. 71

James W. Cheatham,

DECISION RENDERED.

MAR 11 1904

COPY

FORWARDED

ATTORNEY

FOR AND

CHICKASAW NATIONS

NOTICE OF DECISION MAILED APPLICANT.

MAR 11 1904

COPY OF DECISION FORWARDED  
ATTORNEY FOR APPLICANT.

MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED BY  
SECRETARY OF INTERIOR.

MAR 17 1905

NOTICE OF DEPARTMENTAL  
ACTION MAILED APPLICANT.

JUN 24 1905

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT.

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR CHOCTAW  
AND CHICKASAW NATIONS.

REFER TO M. C. R. 5370

P.C.

5/12/03

5/2/03

Choctaw MCR 7157

Armilda Long

MCR 7157

#7157.

Department of the Interior,  
Commission to the Five Civilized Tribes.  
Muskogee, Indian Territory,  
March 20, 1903.

In the matter of the application of Armilda Long for the identification of herself and her two minor children, Orie W. and Mayme Dee Long, as Mississippi Choctaws.

Thomas & Harrison, attorneys for applicants:

Armilda Long being duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Armilda Long.  
Q What is your age? A Fifty-two.  
Q What is your post office address? A Cynthiana, Kentucky.  
Q How long have you lived in Kentucky? A Fifty-two years.  
Q You were born there and have always lived there? A Yes sir.  
Q Is your father living? A No sir.  
Q Is your mother living? A No sir.  
Q What was your father's name? A John Cheatham.  
Q What was your mother's name? Harriet Garrett before she married.  
Q Do you claim through your father or mother? A My father.  
Q How much Choctaw blood do you claim? A One fourth.  
Q Your father was one half? A Yes sir.  
Q Has he ever been recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A He has not.  
Q Have you the proof of his marriage to his wife with you? A Yes sir, my sister handed it in.  
Q What is her name? A Mrs. White.  
Q Mrs. Nancy Ann White, 7153? A Yes sir.

This case is referred to as being a sister of this applicant.

- Q Is your husband living? A Yes sir.  
Q What is his name? A James R. Long.  
Q What is his race? A White.  
Q You claim for him? A I do not.  
Q How many children have you? A Five.  
Q What is the name of the oldest? A Just my minor children?  
Q Yes, and unmarried; those who are over age and married you can not make application for? A Floyd is thirty.  
Q Under age and unmarried? A He is not married.  
Q But not under age? A No sir, he is over age.  
Q The next one? A Orie W. Long.  
Q How old is he? A Twenty.  
Q The next? A Mayme Dee Long.  
Q How old? A Seventeen.  
Q The next? A That is all.  
Q You claim for yourself and your two minor children? A Yes sir.  
Q Is your name on any of the tribal rolls of the Choctaw nation in the Indian Territory with the names of these children? A No sir.  
Q Is your husband, James R. Long, the father of these children?

Armilda Long-----2

A Yes sir.

- Q Are you and he living together as husband and wife, and these children living with you at your home? A Yes sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and your minor children either to the Choctaw tribal authorities in the Indian Territory or to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A We have not.
- Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in the Indian Territory? A No sir.
- Q Do you now come before the Commission to be identified with your children as Mississippi Choctaws? A I do.
- Q Do you claim under article 14 of the treaty of 1830? A Yes sir.
- Q Do you understand article 14 of the treaty of 1830 under which you are making this claim? A I have read that and heard it a number of times; I think I understand it, but I am not sure.

Article 14 of the treaty of 1830 is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey. In like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with the provisions of article 14 of that treaty? A Well, I know that John Harper did.
- Q That he complied with it? A That he attempted to, and was prevented.
- Q Do you know anything about anybody else trying to or having a right to? A I don't know of anyone attempting at that time, but I have heard through tradition that there were others that were refused at the same time, but I don't know the names.
- Q What relation was John Harper to you? A My great grandfather.
- Q How much Choctaw blood did you hear he had? A Full Choctaw.
- Q He was a full blood? A Yes sir.
- Q Did John Harper live in Mississippi or Alabama in 1830 and have a family there then? A No sir.
- Q Did he ever live in Mississippi or Alabama? A No I think not; I have heard through tradition that he lived in Kentucky.
- Q Did John Harper or any other Choctaw ancestor of yours ~~live~~ go from the old Choctaw Nation east of the Mississippi river

Armilda Long-----3

to the Choctaw Nation, Indian Territory, at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A Not that I know of.

Q Did any of your Choctaw ancestors live on land in the old Choctaw Nation either in Mississippi or Alabama for five years after the treaty of 1830 was ratified and at the end of that time get a patent from the government for that land? A I heard they did.

Q Did he get a patent from the government, did you ever hear that John Harper did? A I never heard he received any scrip.

Q Did you ever hear that he received a patent or a deed from the government? A Well, I don't know.

Q Did any of your Choctaw ancestors go to Colonel Ward within six months after the treaty of 1830 was ratified and register or attempt to register under article 14 of the treaty of 1830? A Yes sir, John Harper did.

Q Did John Harper in fact register under article 14? A He attempted to.

Q What proof have you that he attempted to? A I think we have got proof of that; there was someone went with him.

Q Who? A A man who lives in Kentucky by the name of Manley. He lives in Bath County, Kentucky.

Q Do you know his full name? A I do not, but he went with Harper.

Q How old was Harper when he went to Colonel Ward? A I don't know.

Q That was 72 years ago; Manley is how old now? A He is about eighty-six I have understood.

Q He lives in Kentucky? A Yes sir, Bath County.

Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in 1830? A I think not.

Q Did any of them go before the commission of 1837 or the commission of 1842 and claim any benefits under article 14 of the treaty of 1830? A I think not; not that I know of.

These commissions were appointed in 1837 and 1842 for the purpose of hearing Choctaw Indian claimants who stated that they had registered or attempted to register under article 14 of the treaty of 1830 within six months from the ratification of that treaty, but that they had been prevented from so doing by Colonel Ward, and as a result of Colonel Ward not allowing them to register their lands had been taken from them in the old Choctaw Nation and sold by the government at its public land sales.

Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A They did not that I know of.

This scrip was issued under an act of Congress approved August 23rd, 1842, and was given to those Choctaw Indians who proved their rights under article 14 of the treaty of 1830, and also proved that their land had been taken from them by the government and sold.

Q Do you speak or understand the Choctaw language? A I do not.

Armilda Long-----4

Thirty days time is allowed this applicant within which to introduce other proof in this case, if she desires.

By Mr. Harrison, attorney for applicant:

Q Do you know or have you overheard of a man named C. C. Hanks?

A I certainly have; I know him.

Q Is he related to you? A He is; I positively know he is.

Q Is he an applicant for rights as a Mississippi Choctaw? A Yes sir.

Q Through whom does he claim his blood? A Through Lydia Hanks, the sister of my grandmother.

Q And what was her maiden name? A Harper.

Q And they are the children of whom? A John Harper, Lydia and Polly are the daughters of John Harper.

If your Honor please, we would like to have this case referred to M C R 6508.

Q You stated that you knew that John Harper attempted to comply with the provisions of the 14th article of the treaty of 1830; do you undertake to say that this is what you know personally, or that it is what you know from family history and tradition? A Of course I couldn't know it personally; that is too longago; but I know it from family history and tradition.

Q Then if you made that statement you were mistaken in it, were you not? A I might possibly have been.

Q Is it not a fact that you were absolutely mistaken in it? A I think not, when I have it from my ancestors who did know positively.

Q Then if you made that statement that you knew that John Harper complied with that treaty you were mistaken about that were you not? A Certainly I did not know it; I couldn't have known it.

Q Then you were mistaken, were you not when you made that statement? A Yes sir.

Q You also stated in answer to a question that you did not think that John Harper ever lived in Mississippi? A He did live there prior to that time, 1830; I got that through tradition too.

Q Then if you made that statement you were mistaken in that, were you not? A Yes sir, I was.

Q Was it not Manley's father, as you have heard in the family history and tradition, who went with John Harper from Kentucky to Mississippi when John Harper is supposed to have tried to register? A Yes sir, it was this Manley's father.

By the Commission: This applicant has the appearance and physical characteristics of being descended from white parentage; she has brown hair; medium fair complexion; blue eyes; does not understand the Choctaw language, and has no knowledge of a compliance on the part of her ancestors with article 14 of the treaty of 1830 except family history and tradition.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he

Armilda Long-----5

recorded in full the aboveproceedings at Muskogee, Indian Territory, on the 20th day of March, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

*W H Martin*

Subscribed and sworn to before me this 31 day of March, 1903.

*Charles H. Sawyer*  
Notary Public.

K.C.R. 7157.

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,

Attorneys-at-Law,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission has this day notified Armilda Long that she will be allowed thirty days from this date in which to submit further evidence in support of the application of herself and minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will be then received or extension of time granted.

Respectfully,

Commissioner in Charge.



M.C.R.7157.

Muskogee, Indian Territory, November 6, 1903.

Armilda Long,

Cynthiana, Kentucky.

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of yourself and minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Commissioner in Charge.

M C R 7107

Muskogee, Indian Territory, March 19, 1904.

Armilda Long,

Cynthiana, Kentucky.

Dear Madam:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which the application made by you for the identification as Mississippi Choctaws of yourself and your two children Orie W., and Mayme Dee Long, was made a part, refusing said application.

You are further advised that a copy of such decision has been furnished your attorneys of record, Thomas & Harrison, Muskogee, Indian Territory; that the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted to the Secretary of the Interior for his consideration with such argument and brief as may be submitted by your attorneys of record.

Respectfully,

Registered

Commissioner in Charge.

Muskogee, Indian Territory, June 26, 1905.

Armilda Long,  
Cynthiana, Kentucky.

Dear Madam:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 19th day of March, 1904.

Respectfully,

Chairman.

7157. MAR 20 1903

No.

7157

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 20 1903

Name Annelda Long

Age

52

Blood

1/4

Post Office.

Cynthiana Ky

Father:

John Chestnut, d

Mother:

Marriett " d

Claims through

father's 1/2  
Newband.

James R. Long l. w  
no claim for father's 1/2

Children:

~~Flora~~

Gerie W. Long, 20

Mayme F. " 17

Claims for self  
& 2 minor

Stenographer

W. H. Martin

FILED  
FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.

R. 71

*Armilda Long, et al*

DECISION RENDERED.

MAR 4 1904

COPY OF DECISION FORWARDED  
AT OKLAHOMA CITY AND  
CHICKASAW NATIONS.

MAR 4 1904

NOTICE OF DECISION MAILED APPLICANT. MAR 19 1904

COPY OF DECISION FORWARDED  
ATTORNEY FOR APPLICANT.

MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED BY  
SECRETARY OF INTERIOR.

MAR 2 1905

NOTICE OF DEPARTMENTAL  
ACTION MAILED APPLICANT.

JUN 2 1905

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT.

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

REFER TO M. O. R.

5670

Choctaw MCR 7158

Carl L. Long

MCR 7158

#7158.

Department of the Interior,  
Commission to the Five Civilized Tribes.  
Muskogee, Indian Territory,  
March 20, 1903.

In the matter of the application of Carl L. Long for  
identification of himself as a Mississippi Choctaw.

Thomas & Harrison, attorneys for applicant.

Carl L. Long being duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Carl L. Long.
- Q What is your age? A Twenty-eight.
- Q What is your post office address? A Cynthiana, Kentucky,  
R. F. D. No. 4.
- Q How long have you lived in Kentucky? A All my life.
- Q Is your father living? A Yes sir.
- Q Is your mother living? A Yes sir.
- Q What is your father's name? A James R. Long.
- Q What is your mother's name? A Armilda Long.
- Q Your mother has made application to be identified as a  
Mississippi Choctaw today, has she not? A Yes sir.
- Q You claim your Choctaw blood through your mother? A Yes sir.
- Q Do you claim any through your father? A No sir.
- Q How much do you claim? A One eighth.
- Q You think your mother is one quarter? A Yes sir.
- Q Has she ever been recognized or enrolled as a Choctaw Indian  
by any authority whatever in the Indian Territory? A No  
sir.
- Q She has made an application before the Commission as a Miss-  
issippi Choctaw? A Yes sir.
- Q Are you married? A Yes sir.
- Q Is your wife living? A Yes sir.
- Q What is her name? A Eula Long.
- Q What is her race? A White.
- Q Do you make any claim for her? A No sir.
- Q Have you any children? A No sir.
- Q Do you claim for yourself alone? A Yes sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation  
in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw  
Nation either to the Choctaw tribal authorities in the Indian  
Territory or to the Dawes Commission under the act of Con-  
gress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Na-  
tion either by the Choctaw tribal authorities, the Commission  
to the Five Civilized Tribes or the United States Court in  
the Indian Territory? A No sir.
- Q Is this the first application for citizenship in the Choctaw  
Nation that you have ever made? A Yes sir.
- Q Do you come before the Commission now to be identified as a  
Mississippi Choctaw? A Yes sir.
- Q Do you claim under article 14 of the treaty of 1830? A Yes  
sir.
- Q Do you understand that article? A Probably not in all its  
phases, but I think I fairly understand it.

Carl L Long-----2

That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Parsons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever ~~may~~ remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your ancestors complied or attempted to comply with any of the provisions of that article? A I do not know personally, but only from family history.
- Q What did you hear? A I hear that he attempted to comply.
- Q Who did? A John Harper, that he attempted to comply with those conditions.
- Q Did you hear that anybody else did of your ancestors? A No sir.
- Q What relation was John Harper to you? A He was my great great grandfather.
- Q You claim through your mother? A Yes sir.
- Q She has appeared today? A Yes sir.
- Q And she claimed through which parent? A Through John Cheatham, her father.
- Q And he through whom? A John Cheatham, Sr.
- Q And John Cheatham, Sr., through whom? A John Harper.
- Q How much Choctaw blood did John Harper have? A Full blood.
- Q Did any of your Choctaw ancestors, John Harper or any other, within six months after the ratification of the treaty of 1830 go to the United States Indian Agent, Colonel Ward, who had an agency in the state of Mississippi, and register or attempt to register under article 14 of the treaty of 1830? A He attempted to.
- Q Did he register? A No sir, he was turned down by the commissioner Ward, an incompetent official.
- Q Then where did he go, do you know? A Came back to Kentucky.
- Q Had he previously lived in Kentucky? A Yes sir.
- Q Where was he living in 1830 with his family? A In Kentucky I believe.
- Q He was not living in Mississippi or Alabama with his family then? A No sir.
- Q Did he live on land in that old Choctaw Nation either in Mississippi or Alabama for five years after the treaty of 1830 was ratified, and at the end of that time get a patent from the government for that land? A No sir, not that I know of.



Carl I. Long-----3

- Q Did he or any Choctaw ancestor of yours go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A No sir, not that I know of.
- Q Did any of your Choctaw ancestors own any improvements on land in that old Choctaw nation in 1830? A Well, I understand he lived there prior to that time.
- Q But I mean in 1830? A Not that I know of.
- Q Did any of your Choctaw ancestors go before the Commission of 1837 or the commission of 1842 and claim any benefits under article 14 of the treaty of 1830? A No sir, I understand he died before that time.
- Q He died when, do you know? A No sir, I do not.
- Q But you think he died before 1837? A That is what family tradition tells me, the exact date I dont know.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi, Alabama, Louisiana, or Arkansas? A I dont know.

This scrip was issued under an act of Congress approved August 23rd, 1842, and was issued to Choctaw Indians who claimed their rights under article 14, and proved them, and also proved that their lands in the old Choctaw Nation had been taken from them in the old Choctaw Nation and sold.

- Q Do you speak or understand the Choctaw language? A No sir.

Thirty days time is allowed this applicant in which to introduce other proof in this case if he desires.

By Mr. Harrison, attorney for applicant:

- Q Have you any record proof of your own marriage or the marriage of your parents? A Yes sir.
- Q You may introduce it? A I have a certificate of the marriage of my father and mother.

I desire to file here the proof of the marriage of the parents of this applicant.

By the Commission: This proof is received, filed, marked "Exhibit A", and made a part of the record in this case.

By Mr. Harrison:

- Q Have you your own marriage certificate? A No Sir, I have no children, and suppose it is not necessary.
- Q Do you know Christopher C. Hanks? A Personally do you mean?
- Q Do you know of him? A Yes sir, I know of him.
- Q Is he a relative of yours? A I am confident he is.
- Q Why do you think so? A Because I have heard through my family that he is a descendant of the Harpers, and I am a descendant of the Harpers, and therefore we must be kin.
- Q Do you mean John Harper when you say Harper? A John.
- Q Not Charles? A John Harper.
- Q Did you ever hear of a woman named Lydia Harper? A It seems to me I have, but I am not certain about that.
- Q Who was she? A It seems I have been told she was the wife of a man named Hanks.
- Q Did she ever have a sister? A Not that I know of.
- Q If she had a sister you do not now recollect it? A No sir.
- Q Who was Polly Harper? A Polly Harper was the daughter of John Harper.
- Q Who was her sister? A Lydia.

Carl L Long-----4

- Q Is this the same Lydia who married this man Hanks you were talking about? A Yes sir.
- Q If Polly and Lydia were sisters and the daughter of John Harper, through whom you claim your Indian blood, and if Christopher C. Hanks is the descendant of Lydia Harper and you are the descendant of Polly Harper, then you and Christopher C. Hanks must be related? A Most assuredly.

I ask, if your Honor please, that this case be referred to No. 6508, C. C. Hanks.

By the Commission: This applicant has the appearance and physical characteristics of being descended from white parentage; light hair, blue eyes, light complexion. He has no knowledge of the Choctaw language, and no knowledge of a compliance on the part of his ancestors with any of the provisions of article 14 of the treaty of 1830.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Muskogee, Indian Territory, on the 20th day of March, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

*W. H. Martin*

Subscribed and sworn to before me this 31 day of March, 1903.

*Charles H. Sawyer*

Notary Public.

M.C.R. 7158.

Muskogee, Indian Territory, November 6, 1903.

Carl L. Long,

Rural Route No. 4,

Cynthiana, Kentucky.

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of your application for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

K.C.R. 7158.

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,

Attorneys-at-Law,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission has this day notified Carl L. Long that he will be allowed thirty days from this date in which to submit further evidence in support of his application for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M. C. R. 7158

Muskogee, Indian Territory, March 19, 1904.

Carl L. Long,  
Cynthiana, Kentucky,  
R. P. D. No. 4

Dear Sir:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which your application for identification as a Mississippi Choctaw was made a part, refusing said application.

You are further advised that a copy of such decision has been furnished your attorneys of record, Thomas & Harrison, Muskogee, Indian Territory; that the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted to the Secretary of the Interior for his consideration with such argument and brief as may be submitted by your attorneys.

Respectfully,

Registered

Commissioner In Charge.

Muskogee, Indian Territory, April 12, 1904.

Carl L. Long,

R. F. D. No. 4,

Cynthiana, Kentucky.

Dear Sir:

Receipt is hereby acknowledged of your letter of March 29, 1904, by reference from the Secretary of the Interior. Therein you state that you are an applicant for identification as a Mississippi Choctaw; that your case has been refused by this Commission and that you desire to appeal your case to the Secretary of the Interior.

In reply to your letter you are informed that it appears from our records that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which case your application is a part, and that on March 19, 1904, you were notified of such action and that you would be allowed thirty days from the date of the rendition of the decision within which to file argument and brief in support of your claim.

You are further informed that upon the request of Messrs.

C. L. L., 2.

Thomas & Foreman, attorneys-at-law, Muskogee, Indian Territory, an extension of time has been granted in said consolidated case, until May 4, 1904. At the expiration of this time, the record in this case, together with such argument and brief as may be filed in support thereof, will be forwarded to the Secretary of the Interior, and when the Commission is advised of Departmental action in this case, you will be duly notified thereof.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, June 26, 1905.

Carl L. Long,

R F D number 4,  
Cynthiana, Kentucky.

Dear Sir:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 19th day of March, 1904.

Respectfully,

Chairman.



7158

No. 7158

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 20 1903

Name Carl L. Long.

Age 28

Blood 1/8

Post Office, Cynthiana Ky.  
R.F.D. 4

Father: James R. Long. l.

Mother: Armilda " l

Claims through mother 1/4

Wife,

Eula Long. l. xv

No claim for wife + + +

Children:

Claim for self

Stenographer W. H. Martin

REFUSED  
FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.

Carl L. Long

DECISION UNDER

MAR 4 1904

COPY OF DECISION FOR  
ATTORNEY FOR CHOCTAW  
CHICKASAW

MAR 4 1904

NOTICE OF DECISION MAILED APPLICANT. MAR 16 1904

COPY OF DECISION FORWARDED  
ATTORNEY FOR APPLICANT.

MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED BY  
SECRETARY OF INTERIOR.

MAR 30 1905

NOTICE OF DEPARTMENTAL  
ACTION MAILED APPLICANT.

JUN 26 1905

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR CHOCTAW.

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW.

REFER TO M. C. R. 5670

Choctaw MCR 7159

Charlie Jett

MCR 7159

#7159.

Department of the Interior,  
Commission to the Five Civilized Tribes.  
Muskogee, Indian Territory,  
March 20, 1903.

In the matter of the application of Charlie Jett for  
identification as a Mississippi Choctaw.

Thomas & Harrison, attorneys for applicant.

Charlie Jett being duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Charlie Jett.  
Q What is your age? A Twenty-seven.  
Q What is your post office address? A Ruddles Mills, Kentucky.  
Q How long have you lived there? A Thirteen years.  
Q How long in Kentucky? A Born there.  
Q Is your father living? A Yes sir.  
Q Is your mother living? A No sir.  
Q What is your father's name? A Porter Jett.  
Q What was your mother's name? A Hattie Jett.  
Q Through which parent do you claim Choctaw blood? A My mother.  
Q How much do you claim? A One eighth.  
Q Was she one quarter? A Yes sir.  
Q Has she ever been recognized or enrolled as a Choctaw Indian  
by the Choctaw tribal authorities in the Indian Territory?  
A No sir.  
Q Or by the United States authorities in the Indian Territory?  
A No sir.  
Q You claim for yourself alone? A Yes sir.  
Q You are not married? A No sir.  
Q Is your name on any of the tribal rolls of the Choctaw Nation  
in the Indian Territory? A No sir.  
Q Have you ever made application for citizenship in the Choctaw  
Nation either to the Choctaw tribal authorities in the Indian  
Territory or to the Dawes Commission under the act of Con-  
gress of June 10, 1896? A No sir.  
Q Have you ever been admitted to citizenship in the Choctaw Na-  
tion by any authority whatever up to the present time? A  
No sir.  
Q Do you come before the Commission now to be identified as a  
Mississippi Choctaw claiming under article 14 of the treaty  
of 1830? A Yes sir.  
Q You understand that article, do you? A Yes sir.

Article 14 is as follows:

"Each Choctaw head of a family being desirous to remain  
and become a citizen of the states shall be permitted to do  
so by signifying his intention to the agent within six months  
from the ratification of this treaty, and he or she shall there-  
upon be entitled to a reservation of one section of six hundred  
and forty acres of land, to be bounded by sectional lines of  
survey; in like manner shall be entitled to one half that  
quantity for each unmarried child which is ~~now~~ living with  
over ten years of age, and a quarter section to such child as  
may be under ten years of age, to adjoin the location of the  
parent. If they reside upon said lands intending to become  
citizens of the states for five years after the ratification  
of this treaty, in that case, a grant in fee simple shall

Charlie Jett-----2

issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q What is the name of your ancestor through whom you claim today? A John Harper.
- Q Do you claim he complied or attempted to comply with article 14? A Yes sir.
- Q What relation was John Harper to you? A My great great uncle.
- Q Great great uncle? A Great great grandfather.
- Q Do you know whether you claim through his wife or not? A Yes sir.
- Q What was her name? A Mary Ann.
- Q Was she a full blood Choctaw? A Yes sir.
- Q Are you sure? A No sir, I am not sure, but I have heard she was.
- Q Have you heard as much about her being a full blood Choctaw as about John Harper? A Yes sir.
- Q Did John Harper or his wife live in the old Choctaw Nation either in Mississippi or Alabama in 1830 and have a family there at that time? A I dont know sir.
- Q Did any of your Choctaw ancestors go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, between 1833 and 1838 or '40? A I dont know.
- Q Or at any other time between the ratification of the treaty of 1830 and the date of this application made by you today? A I dont know sir.
- Q Did any of your Choctaw ancestors live on land in the old Choctaw Nation east of the Mississippi river for five years after the treaty of 1830 was ratified and then get a patent from the government for that land? A I dont know.
- Q Did any of them own any improvements on land in the old Choctaw nation in 1830? A I dont know sir.
- A Did any of them go before Colonel Ward, the United States Indian Agent, within six months after the treaty of 1830 was ratified and register or attempt to register under article 14 of the treaty of 1830? A I have heard so.

In 1837 and also in 1842 under various acts of Congress commissions were appointed, one by an act approved March 3rd, 1837, and the other by an act approved August 23rd, 1842. These Commissions went to Mississippi and heard claimants under article 14 of the treaty of 1830, and made lists of the names of those who appeared before them. These Choctaw Indians went before these commissions because they had tried to register under article 14 within six months from the ratification of the treaty, but Colonel Ward would not allow them to register, and as a result of his action in the matter the lands which these Indians held in the old Choctaw nation, with the improvements thereon, were taken from them and sold by the government at its public land sales.

- Q Did any of your Choctaw ancestors go before either of these commissions? A I dont know sir.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi,

Charlie Jett----

Alabama, Louisiana or Arkansas? A I dont know.

This scrip was issued under an act of Congress approved August 23rd, 1842.

Q Do you speak or understand the Choctaw language? A No sir.

This applicant is allowed thirty days time in which to introduce other proof in this case if he desires.

By Mr. Harrison, attorney for applicant:

Q Who is Christopher C. Hanks? A I have heard she was a sister--

Q I am talking about a man named Christopher C. Hanks? A No sir, I dont know him.

Q Have you ever heard he was related to you? A No sir, I dont believe I did.

Q What was the name of your father? A Porter Jett.

Q The name of your grandfather? A David Cheatham.

Q Was he the son of John Cheatham? A Yes sir, John Cheatham.

Q Whom did he marry, David Cheatham? A He married Polly Garrett.

Q Was Hattie Jett, your mother, the daughter of David and Polly Cheatham? A Yes sir.

Q Are you a married man? A No sir.

By the Commission: This applicant has the appearance and physical characteristics of being descended from white parentage. He has light hair, blue eyes, medium fair complexion. He has no knowledge of the Choctaw language, and no knowledge of a compliance on the part of his ancestors with any of the provisions of article 14 of the treaty of 1830.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Muskogee, Indian Territory, on the 20th day of March, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

*W H Martin*

Subscribed and sworn to before me this 31 day of March, 1903.

*Charles H. Sawyer*

Notary Public.

Muskogee, Indian Territory, April 30, 1903.

M. C. Jett,  
Attorney-at-Law,  
Cincinnati, Ohio.

Dear Sir:

Receipt is hereby acknowledged of your communication of April 24, 1903, in which you state that "Charles L. Jett registered as an heir to John Harper, dec'd, a Mississippi Choctaw and at same time tendered your Commission the registration fee and power of attorney from his brother Thomas O. Jett". You ask to be advised why said registration of Thomas O. Jett by power of attorney was refused.

In reply to your communication you are advised that it appears from our records that on March 20, 1903, Charlie Jett, twenty-seven years of age, post office Buddles Mills, Kentucky, made application to this Commission for identification as a Mississippi Choctaw. You are further advised that it does not appear from our records that any power of attorney from Thomas O. Jett to Charles L. Jett was filed with this Commission.

Respectfully,

Chairman.

M C R 7189

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,

Attorneys-at-Law,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission has this day notified Charlie Jett that he will be allowed thirty days from this date in which to submit further evidence in support of his application for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Commissioner in Charge.



COMMISSIONERS:  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE,  
W. E. STANLEY.

ALLISON L. AYLESWORTH,  
SECRETARY

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M C R 7159

Muskogee, Indian Territory, November 6, 1903.

M. C. Jett,

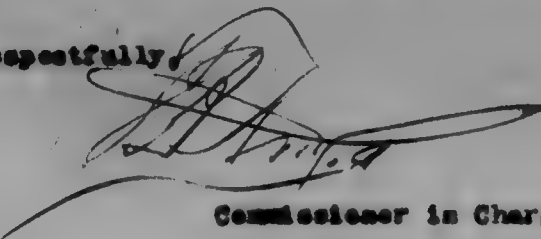
Attorney-at-law,

Cincinnati, Ohio.

Dear Sir:

You are hereby notified that the Commission has this day notified Charlie Jett that he will be allowed thirty days from this date in which to submit further evidence in support of his application for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,



Commissioner in Charge.

M C R 7159

Muskogee, Indian Territory, November 6, 1903.

Charlie Jett,

Ruddles Mills, Kentucky.

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of your application for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, March 19, 1904.

Charlie Jett,

Ruddles Mills, Kentucky,

Dear Sir:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers et al., of which your application for identification as a Mississippi Choctaw is a part, refusing said application.

You are further advised that a copy of such decision has been furnished your attorneys of record, Thomas & Harrison, Muskogee, Indian Territory; that the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision. At the expiration of that time the record, together with such argument and brief as may be submitted by your attorneys, will be transmitted to the Secretary of the Interior for his consideration.

Respectfully,

Commissioner in Charge.

Registered.

Muskogee, Indian Territory, June 26, 1905.

Charlie Jett,

Ruddles Mills, Kentucky.

Dear Sir:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications ~~for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 19th day of March, 1904.~~

Respectfully,

Chairman.

7159

No. 7159

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAY 10 1903

Name Charlie Jett.

Age 27 -

Blood

" 8

Post Office, Ruddle's Mills, Ky.

Father: G. Porter Jett, l

Mother: Mattie " d

Claims through mother " 4

~~Children:~~Claim for sep  
alone

Stenographer

W. A. Martin



General Office

M. C. R.

Advising that thirty days from date will be allowed in which to submit application for identification as a Mississippi Choctaw.



No. 11111 & NUMBER.

Department of the Interior  
Muskogean  
4 - P. M.  
1903  
Penalty for private use, \$300.

78

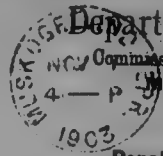
General Office

M. C. E.

Adviser that thirty days from date will be allowed in which to submit a report to the Commission on the subject of a "Mississippi" law.

M. C. Jett,

Enclosure, Office



Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS

Penalty for private use, \$300.

RECEIVED  
JUL 15 1903  
MAIL ROOM  
NUMBER.



FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.

Charlie Jett

DECISION RENDERED.

MAR 1 1904

COPY OF DECISION FORWARDED  
ATTORNEYS FOR CHOCTAW AND  
CHICKASAW NATIONS

MAR 4 1904

NOTICE OF DECISION MAILED APPLICANT.

MAR 19 1904

COPY OF DECISION FORWARDED  
ATTORNEY FOR APPLICANT.

MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED BY  
SECRETARY OF INTERIOR.

MAR 24 1905

NOTICE OF DEPARTMENTAL  
ACTION MAILED APPLICANT.

JUN 24 1905

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT.

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

REFER TO M. C. R. 5670

Choctaw MCR 7160

Adella White

MCR 7160

#7160.

Department of the Interior,  
Commission to the Five Civilized Tribes.  
Muskogee, Indian Territory,  
March 20, 1903.

In the matter of the application for identification as  
a Mississippi Choctaw, of Adella White.

Thomas & Harrison, attorneys for applicants.

Nancy Ann White, appearing to make application for the  
identification of her incompetent daughter, Adella White, as a  
Mississippi Choctaw, after being duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Nancy Ann White.  
Q Your age is what? A Sixty-six.  
Q Where do you live? A In Lexington, Kentucky.  
Q Are you an application for identification as a Mississippi  
Choctaw before the Commission? A Yes sir.  
Q You applied today, did you not? A Yes sir, I applied today.  
Q Have you a daughter named Adella White? A Yes sir.  
Q How old is she? A Thirty-seven years old.  
Q Where is she now? A She is at Lakeland Asylum, Kentucky.  
Q Your post office is what? A Lexington, Kentucky.  
Q How long has she been confined? A She has been insane for  
sixteen years or longer, but she has been at home a good deal  
of the time.  
Q How long this last time has she been there? A Only about  
two months.  
Q What is the nature of her insanity? A Said to be purely a  
nervous trouble.  
Q You want to introduce this affidavit of Minnie C. Dunlap as  
to her mental and physical condition? A Yes sir.

Affidavit of Minnie C. Dunlap presented by this appli-  
cant, received, filed, marked "Exhibit A", and made a part of  
the record in this case.

- Q Do you want to introduce this affidavit of J. G. Furnish as to  
her condition and as to her present residence? A Yes sir, I  
do.

Affidavit of J. G. Furnish, Superintendant of Lakeland  
Lunatic Asylum of Kentucky, is presented by applicant, re-  
ceived, filed, marked "Exhibit B", and made a part of the  
record in this case.

- Q What is the name of the father of this child? A John White.  
Q Is he living? A No sir, he is not.  
Q And you are the mother? A Yes sir.  
Q And this child claims through you? A Yes sir.  
Q Is she married, or has she ever been married? A No sir, never  
has been.  
Q Is the name of this daughter on any of the tribal rolls of the  
Choctaw Nation in the Indian Territory? A No sir.  
Q Have you ever made application for her, or has anyone ever  
made application for her, for citizenship in the Choctaw Na-

Adella White-----2

tion either to the tribal authorities in the Indian Territory or to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.

Q Has she ever been admitted to citizenship in the Choctaw Nation by any authority whatever in the Indian Territory? A No sir.

Q Do you now want to identify her as a Mississippi Choctaw? A Yes sir.

Q Do you claim under article 14 of the treaty of 1830 for her? A Yes sir.

Q The same testimony that you gave in your application, No. 7153, is also what you would give in this application? A Yes sir, I can only give that for her.

Q The facts are the same? A Yes sir, everything.

Article 14 under which you make this claim for the identification of your daughter is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q You claim for this daughter through John Harper, do you? A Yes sir.

Q And Mary Ann or Polly his wife? A Yes sir, Mary Ann Harper.

Q What relation were they to your daughter? A I am one fourth--

Q What relation? A They are her great great grandparents.

Q Do you know whether they lived in Mississippi in 1830 and had a family there then? A I feel sure from tradition that they did.

Q Did they go to Colonel Ward and try to register under article 14 of the treaty of 1830? within six months from the ratification of that treaty? A Yes sir, I am sure they did.

Q Did they live on land in that old Choctaw Nation either in Mississippi or Alabama for five years, and then get a patent from the government for it? A Yes sir.

Q You are not sure about that are you? A No sir, I couldn't be sure, but I reckon they did.

Q Did they get a patent or deed, do you know positively? A I have just heard such talk, that's all.

Q You have heard that talk, have you? A Yes sir.

Q But you do not know how true it is, do you? A I do not.

Q Did any of the Choctaw ancestors of your daughter go to the Choctaw Nation, Indian Territory, from the old Choctaw Nation east of the Mississippi river at any time between the ratification of the treaty of 1830 and the date of this application made by you for her today? A No sir, none of them went to

Adella White-----3

the Territory, but they went to Kentucky.

In 1837 and in 1842 commissions were appointed which commissions heard claimants under article 14 of the treaty of 1830. These Indians claimed that they had tried to register under Colonel Ward within six months from the ratification of the treaty, and had been refused by him, and afterwards their lands had been taken from them and sold by the government.

- Q Did any of your Choctaw ancestors, or the Choctaw ancestors of your daughter, Adella White, go before either of these commissions and claim any benefits under article 14 of the treaty of 1830? A Well, they went and claimed under Ward, but failed; he refused them.
- Q This is under commissions afterwards appointed, do you know anything about that? A No sir, I don't know anything about that.
- Q Did any of the Choctaw ancestors of this child, your daughter, receive any scrip from the government which entitled them to select land in Mississippi, Alabama, Louisiana, or Arkansas? A Well, I have heard that there had been scrip that they should have received.
- Q You don't know anything about that? A I don't know whether they did or not.

This scrip was issued under an act of Congress approved August 23rd, 1842, and was given to Choctaw Indians who proved their rights under article 14 of the treaty of 1830 and also proved that their land in the old Choctaw Nation had been taken from them by the government and sold at its public land sales.

- Q Does she understand Choctaw or speak that language? A No sir.
- Q What is her complexion, light or dark? A She has rather auburn hair.
- Q Blue eyes? A Brown ~~haz~~ eyes, or hazel eyes.
- Q What is her complexion? A Just moderately fair.

Thirty days time is allowed this applicant in which to introduce other proof in this case.

By Mr. Harrison, attorney for applicant:

- Q Do you undertake to say that it is a fact that John Harper and his wife were living in Mississippi in 1830 and had a family there at that time? A Well, yes sir, I undertake to say that I believe they did.
- Q When were John Harper and his wife living in Kentucky? A Between 1812 and 1830, somewhere along there.
- Q When did John Harper go from Kentucky to Mississippi to register as a Choctaw Indian? A I can't give that date exactly, but he certainly went there at one time, but that date I can't give.
- Q Have you not heard it mentioned as a part of your family history that he went there about 1830? A Well, yes sir, I have heard it mentioned.
- Q Where did he go from? A From Montgomery County, Kentucky.
- Q Was he then living in Montgomery County, Kentucky? A Yes sir, Montgomery County, and went to Mississippi to register.
- Q Then if this is true he was not living in Mississippi in 1830? A No sir.
- Q Then if you have stated that he and his wife with their family

Adella White-----4

were living in 1830 in Mississippi you were mistaken about that, were you not? A Yes sir, if I have stated that.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Muskogee, Indian Territory, on the 20th day of March, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

*W. H. Martin*

Subscribed and sworn to before me this 31 day of March, 1903.

*Charles H. Sawyer*

Notary Public.

M C R 7160

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,

Attorneys-at-Law,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission has this day notified Nancy Ann White that she will be allowed thirty days from this date in which to submit further evidence in support of the application of her daughter, Adella White, for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Commissioner in Charge.

M C R 7160

Muskogee, Indian Territory, November 6, 1903.

Nancy Ann White,

Lexington, Kentucky.

Dear Madam:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of your daughter, Adella White, for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Commissioner in Charge.



M C R 7160

Muskogee, Indian Territory, March 19, 1904.

Nancy Ann White,  
Lexington, Kentucky.

Dear Madam:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which the application made by you for the identification as a Mississippi Choctaw of Adella White was made a part, refusing said application.

You are further advised that a copy of such decision has been furnished your attorneys of record, Thomas & Harrison, Muskogee, Indian Territory; that the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted, together with such argument and brief as may be submitted by your attorneys, to the Secretary of the Interior for his consideration.

Respectfully,

Registered

Commissioner in Charge.

M C R 7160

Muskegee, Indian Territory, June 26, 1905.

Adella White,

Lexington, Kentucky.

Dear Madam:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 19th day of March, 1904.

Respectfully,

Chairman.

7160

No. 7160

## FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 20 1903

Name *Nancy Ann White for*  
*Adella White, insane*  
*daughter*

Age

37 (of dau)

Blood

Post Office, *Lexington, Ky -*Father: *John White, d*Mother: *Nancy Ann, l*Claims through *mother*

Children:

*Claim for share*  
*Adella White, 37.*  
*Incompetent*

Stenographer

*W. H. Martin*

FOR IDENTIFICATION  
A MISSISSIPPI CHOCTAW.

*Adella White*

DECISION RENDERED.

MAR 4 1904

COPY OF DECISION FORWARDED  
ATTORNEY FOR APPLICANT, LAW AND  
CHICKASAW.

MAR 4 1904

NOTICE OF DEPARTMENTAL ACTION MAILED APPLICANT.

MAR 19 1904

COPY OF DECISION FORWARDED  
ATTORNEY FOR APPLICANT.

MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED BY  
SECRETARY OF INTERIOR.

MAR 27 1905

NOTICE OF DEPARTMENTAL  
ACTION MAILED APPLICANT.

JUN 27 1905

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT

JUN 1

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW,  
RECORDING.

REFER TO M. C. R.

5670

Choctaw MCR 7161

Eva Collier

MCR 7161

#7161.

Department of the Interior,  
Commission to the Five Civilized Tribes.  
Muskogee, Indian Territory,  
March 20, 1903.

In the matter of the application of Eva Collier for the identification of herself and her minor child, Mildred Collier, as Mississippi Choctaws.

Thomas & Harrison, attorneys for applicants.

Eva Collier being duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A Eva Collier.  
Q What is your age? A Twenty-five.  
Q What is your post office address? A Millersburg, Kentucky.  
Q How large is Millersburg? A Eight hundred or a thousand.  
Q Have you always lived in Kentucky? A Yes sir.  
Q Is your father living? A Yes sir.  
Q Is your mother living? A Yes sir.  
Q What is your father's name? A James R. Long.  
Q What is your mother's name? A Armilda Long.  
Q Through which parent do you claim Choctaw blood? A My mother.  
Q How much do you claim? A One eighth.  
Q You claim your mother is one quarter Choctaw Indian? A Yes sir.  
Q Has she ever been recognized or enrolled as a Choctaw Nation by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A Yes sir.  
Q She has not been recognized has she; she has made application to be identified today? A Yes sir, I misunderstood the question.  
Q That application will be considered by the Commission later; that was what you meant? A Yes sir, I misunderstood the question.  
Q Are you married? A Yes sir.  
Q Is your husband living? A Yes sir.  
Q What is his race? A White.  
Q What is his name? A Ora H. Collier.  
Q Do you make any claim for him? A No sir.  
Q You have one child? A Yes sir.  
Q What is the name of that child? A Mildred Collier.  
Q How old? A Sixteen months.  
Q Are you and your husband living together as husband and wife and this child living with you at your home? A Yes sir.  
Q You claim for yourself and this child? A Yes sir.  
Q Is your name with the name of your child on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.  
Q Have you ever made application for citizenship in the Choctaw Nation either to the Choctaw tribal authorities in the Indian Territory or to the Dawes Commission under the act of Congress of June 10, 1896? A I have not.  
Q Do you come before the Commission now to be identified with this child as Mississippi Choctaws? A I do.  
Q Are your names on any of the tribal rolls of the Choctaw Nation in the Indian Territory placed there by either the Dawes Commission, the Choctaw tribal authorities, or the United States Court in the Indian Territory? A They are not.

Eva Collier-----2

Q Do you now claim under article 14 of the treaty of 1830? A I do.

Q Do you understand that article? A I am not sure; I think I do; I have heard all afternoon.

That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey: in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you know whether any of your Choctaw ancestors complied with that article or not? A John Harper attempted to.

Q Do you know anything about his wife, Mary Ann Harper? A I have heard that she was a full blood Choctaw.

Q Do you know whether John Harper went before the United States Indian Agent, Colonel William Ward, within six months after the treaty of 1830 was ratified, and registered or attempted to register under article 14 of that treaty? A I do.

Q That is a part of your family history and tradition? A Yes sir.

Q Did he register or was he refused? A He was refused.

Q By whom? A By Ward, a drunken Commissioner.

Q What was the name of his wife? A Mary Ann.

Q What relation was John Harper to you? A My great great grandfather.

Q And she your great great grandmother? A She was.

Q Do you claim through your mother? A Yes sir.

Q And she claimed through whom, father or mother? A Father, John Cheatham.

Q And John Cheatham claimed through his father, John Cheatham, Sr.? A Yes sir.

Q There were two John Cheathams, Junior and Senior? A Yes sir.

Q And John Cheatham, Sr., claimed through whom? A Polly Harper, the daughter of John Harper and Mary Ann.

Q She married whom? A John Cheatham.

Q Do you not mean that John Cheatham, Jr., claimed through Polly Harper, daughter of John Harper and Mary Ann Harper? A Yes sir, I did not understand the question.

Q Do you know whether any of these Choctaw ancestors whose names you have given lived in Mississippi or Alabama in the old Choctaw Nation in 1830 and were heads of families there then, either John Harper or his wife, or any other? A I don't know.

Q Did you ever hear that John Harper and his wife ever lived in Mississippi? A No.

Q Or in Alabama? A No.

Q They did live in Kentucky, did they not? A Yes sir.

Eva Collier-----3

- Q As far as you know did they live in Mississippi or Alabama for five years on land and then get a patent for the land there from the government? A No sir.
- Q Did any Choctaw ancestors of yours go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A No sir.
- Q Or any other time between 1833 and 1838 or '40 with the other Indians at the expense of the government? A No sir.
- Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in 1830? A No sir.
- Q Did any of your Choctaw ancestors go before the commission of 1837? A No sir.
- Q Or before a commission in 1842? A No sir.
- Q And did they claim any rights before these commissions under article 14 of the treaty of 1830? A No sir.

These two commissions were appointed because of the complaints of Choctaw Indians that they had tried to register under article 14 of the treaty of 1830 within six months from the ratification of that treaty, and were prevented from so doing by Colonel Ward, and as a result of this refusal these Indians had their lands taken from them in the old Choctaw Nation and sold by the government at its public land sales.

- Q Did any of your Choctaw ancestors ever receive any scrip or certificates from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A They did not.

This scrip was issued under an act of Congress approved August 23rd, 1842, and was given to those Choctaw Indians who proved their rights under article 14 of the treaty of 1830, and also proved that their lands in the old Choctaw Nation had been taken from them by the government and sold at its public land sales.

- Q Do you speak Choctaw? A I do not.

This applicant will be allowed thirty days from this date in which to introduce other proof if she desires to do so in support of this claim.

By Mr. Harrison, attorney for applicant:

- Q Are you related to C. C. Hanks? A I am.

I will ask that this case be referred to M C R 6508, C. C. Hanks, for the purpose of consolidation.

- Q Is it not true that your mother claims through John Cheatham, Jr.? A She does.
- Q John Cheatham, Jr., was the son of an Indian woman named Polly Harper and a white man named John Cheatham, was he not? A Yes sir.
- Q And he was a half breed? A Yes sir.
- Q Claiming his blood not through his father but through his mother? A Yes sir.
- Q If you stated in your examination in chief that he claimed



Eva Collier-----4

his blood through John Cheatham, Sr., his father, you were mistaken in that were you? A Yes sir, I was.

Q You have stated in answer to numerous questions an emphatic negative, "no sir", and particularly with reference to the question as to whether or not your ancestors owned lands in the old Choctaw Nation in Mississippi in 1830; did you mean to say "no sir", unqualifiedly, or that you did not know? A I dont know, of course.

Q Then you desire to change your testimony as to that, and answer that you dont know? A Yes sir, I do.

Q You also stated it to be a fact and in a most emphatic manner that none of your ancestors received any scrip in lieu of lands, which would entitle them to lands in the state of Mississippi, Alabama, Louisiana or Arkansas; did you intend to answer with the positive negative, or did you intend to say that you did not know? A That I did not know.

Q Then if you have stated that they did not receive any scrip you were mistaken about that? A Yes sir, I was.

Q And your testimony now is that if they did receive any scrip you do not know anything about it? A Yes sir.

By the Commission: This applicant has the appearance and physical characteristics of being descended from white parentage; she has medium fair complexion; blue eyes; brown hair; does not understand the Choctaw language, and has no knowledge of a compliance on the part of her ancestors with the provisions of article 14 of the treaty of 1830.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Muskogee, Indian Territory, on the 20th day of March, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

*W H Martin*

Subscribed and sworn to before me this 31 day of March, 1903.

*Charles H. Sawy*

Notary Public.

M C R 7161  
M C R 6812  
M C R 6814

Muskegee, Indian Territory, March 28, 1903.

Thomas & Harrison,  
Attorneys at Law,  
Muskegee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 23rd instant, enclosing certified copy of marriage certificate between O. H. Collier and Eva Long offered in support of the application made by Eva Collier for the identification of herself and minor child as Mississippi Choctaws.

Also certified copy of marriage license and certificate between E. G. Wood and Emma L. DeWitt offered in support of the application made by Samuel G. Wood for the identification of himself and minor children as Mississippi Choctaws.

Also certified copy of marriage license and certificate between C. P. Wood and Mary Elizabeth Chandler offered in support of the application made by Columbus P. Wood for the identification of himself and minor children as Mississippi Choctaws.

The above mentioned documents have been filed in their respective cases.

Respectfully,

Chairman.

K.O.R. 7161.

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,

Attorneys-at-Law,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission has this day notified Eve Collier that she will be allowed thirty days from this date in which to submit further evidence in support of the application of herself and minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Commissioner in Charge.

M.C.R. 7161.

Muskogee, Indian Territory, November 6, 1903.

Eva Collier,

Millersburg, Kentucky.

Dear Madam:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of yourself and minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Commissioner in Charge

M. C. R. 7161.

Muskogee, Indian Territory, March 19, 1904.

Eva Collier,  
Millersburg, Kentucky,

Dear Madam:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which your application made by you for the identification as Mississippi Choctaws of yourself and minor child, Mildred Collier, was made a part, refusing said application.

You are further advised that a copy of such decision has been furnished your attorneys of record, Thomas & Harrison, Muskogee, Indian Territory; that the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted, together with such argument and brief as may be submitted by your attorneys, to the Secretary of the Interior for his consideration.

Respectfully,

Registered

Commissioner in Charge.

M C R 7161

Muskegee, Indian Territory, June 26, 1905.

Eva Collier,

Millersburg, Kentucky.

Dear Madam:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 19th day of March, 1905.

Respectfully,

Chairman.

7161

No. 7161

## FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 20 1901

Name Eva Collier

Age 25.

Blood

1/8

Post Office.

Millersburg, Ky

Father: James R. Long, l

Mother: Annice Long l

Claims through mother, 1/4

Husband

Ora H. Collier l. w.

No claim for husband

Children:

Mildred Collier, 16m

claim for self  
and one  
minor

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.

R. 7161

*Ewa Collier et al*

DECISION

COPY

ATTORNEY

CHICKENWALKERS

AND

MAR 14 1904

NOTICE OF DECISION MAILED APPLICANT. MAR 14 1904

COPY OF DECISION AWARDED  
ATTORNEY FOR APPLICANT.

MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION OF THE  
SECRETARY OF THE INTERIOR

MAR 14

NOTICE OF DECISION

FORWARDED

NOTICE OF DECISION  
FORWARDED

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED

REF. TO M. C. R.

5370



Choctaw MCR 7162

Gertrude F. Stone

MCR 7162

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---

In the matter of the application of Gertrude F. Stone, et al., for identification as Mississippi Choctaws, M.C.R. 7162.

I N D E X .

---

List of papers forwarded to the Secretary of the Interior comprising the record in this case.

(Page)

Original application of Gertrude F. Stone, et al., before the Commission to the Five Civilized Tribes for identification as Mississippi Choctaws, 1

Decision of the Commission refusing the application of Gertrude F. Stone, et al., for identification as Mississippi Choctaws, 5

M.C.R. 7162

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Muskogee, I.T., March 20, 1903.

In the matter of the application for identification as a Mississippi Choctaw of Gertrude F. Stone for herself and two minor children, Myrtle A. and Earl B. Stone.

Examination by the Commission:

- Q. What is your name? A. Gertrude F. Stone.  
Q. How old are you? A. 23 years old.  
Q. What is your postoffice address? A. Maysville, I.T.  
Q. How long have you lived there? A. Four months.  
Q. Where did you live before that time? A. In Mississippi.  
Q. Were you born in Mississippi? A. Yes sir.  
Q. Have you lived there all your life? A. Yes sir.  
Q. In what part of Mississippi? A. Northern Mississippi, Marshall Co.  
Q. What is your father's name? A. Thomas W. Gandy.  
Q. Is he living? A. No sir.  
Q. What is your mother's name? A. Eunice J. Gandy.  
Q. Is she living? A. Yes sir.  
Q. Through which one of your ~~Choctaw~~ parents do you claim your Choctaw blood? A. My father.  
Q. How much Choctaw blood do you claim? A. One-eighth.  
Q. Has your father, through whom you claim your right to identification as a Mississippi Choctaw, ever been recognized or in any manner or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States? A. I do not know.  
Q. Through which one of his parents does your father claim his Choctaw blood? A. His mother.  
Q. What is his mother's name? A. Martha Ann Kelley.  
Q. What is her husband's name? A. Chester H. Gandy.  
Q. He was a white man and claimed no Choctaw blood? A. No sir.  
Q. How old would your father be if living now? A. 60 years old.  
Q. Do you know whether he had any older brothers? A. Yes sir, he had older half brothers.  
Q. By the same mother? A. No sir.  
Q. Do you know when Martha Ann Kelley and Chester H. Gandy were married? A. I do not.  
Q. Do you know whether or not they were married prior to 1830? A. Yes sir.  
Q. You think they were married before that time? A. Yes sir, quite sure of it.  
Q. Are you married? A. Yes sir.  
Q. What is your husband's name? A. Joseph A. Stone.  
Q. Is he a white man? A. Yes sir.  
Q. He claims no Choctaw blood? A. No sir.  
Q. Is he living? A. Yes sir.  
Q. You make no claim for him? A. No sir.  
Q. Have you any minor children for whom you wish to apply? A. Two.  
Q. What are their names and ages? A. Myrtle A. Stone.  
Q. How old is Myrtle? A. Four.

2 - Gertrude F. Stone.

- Q. Next? A. Earl B.  
Q. How old is Earl? A. Sixteen months.  
Q. You are the mother of these children? A. Yes sir.  
Q. Joseph A. Stone the father? A. Yes sir.  
Q. These children claim through you? A. Yes sir.  
Q. This application then is for yourself and your two minor children? A. Yes sir.  
Q. When and where were your father and mother married? A. They were married in 1865 in Mississippi.  
Q. Married under a license? A. Yes sir.  
Q. Have you that license with you? A. Not at this time; not here, I have at home.

It will be necessary for you to furnish the Commission with a certified copy of that marriage license within thirty days in support of your application for identification as a Mississippi Choctaw.

- Q. ~~Is your name or the name of your minor children to be found~~ upon any of the tribal rolls of the Choctaw Nation in Indian Territory? A. No sir.  
Q. Did you or any one for you ever make application to the Choctaw Tribal authorities in the Indian Territory for enrollment as a member of that tribe? A. I do not know.  
Q. You never made such application yourself? A. No sir.  
Q. Did you or any one for you in the year 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw nation under the act of Congress approved June 10, 1896? A. Not that I know of.  
Q. Is this the first application of any description for citizenship in the Choctaw Nation that you have ever made? A. Yes sir.  
Q. Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the provisions of the 14th article of the treaty of 1830?  
A. Yes sir.  
Q. Article 14 of that treaty reads as follows: "Each Choctaw head of a family, being desirous to remain and become a citizen of the states, shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the states, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity." This is the provision of law under which you claim your right to identification as a Mississippi Choctaw? A. Yes sir.  
Q. You understand that article, do you? A. Yes sir.  
Q. What is the name of your Choctaw ancestor who was living in Mississippi and the head of a family in the year 1830, when the

- treaty of Dancing Rabbit Creek was made? A. Martha Ann Kelley.
- Q. Her name in 1830 was Martha Ann Gandy? A. Yes sir.
- Q. Through which one of her parents did Martha Ann Gandy derive her Choctaw blood? A. I don't know.
- Q. You are not able to trace your ancestors any further back than Martha Ann Gandy? A. No sir.
- Q. Were any of your Choctaw ancestors living in Mississippi in 1830 when the treaty of Dancing Rabbit Creek was made? A. No sir.
- Q. Do you know where they were living at that time? A. No sir.
- Q. Did any of your Choctaw ancestors own any improvements at that time upon what constituted the old Choctaw nation in Mississippi and Alabama? A. I don't know.
- Q. Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of that article? A. That is my understanding. It is a family tradition, I do not know personally.
- Q. Did you ever hear anything about it? A. I have heard that they did attempt and failed.
- Q. Were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians in the year 1830 when the treaty of Dancing Rabbit Creek was made? A. I don't know.
- Q. Did any of your Choctaw ancestors remove from the old Choctaw nation in Mississippi and Alabama to the present Choctaw nation in the Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A. I thin not; I do not know exactly.
- Q. Did any of your Choctaw ancestors within six months from the date of the ratification of the treaty of Dancing Rabbit Creek, signify to the agent of the government in Mississippi, Colonel William Ward, at that time their intention to remain in Mississippi, take land there, and become citizens of the states as provided in the 14th article? A. I don't know.
- Q. You never heard anything about that? A. I have heard - it is a family tradition that they tried.
- Q. You have heard nothing about their going to Ward and expressing their desire to remain but he refused to hear them? A. Yes sir.
- Q. Do you know if this was within six months after the ratification of the treaty of Dancing Rabbit Creek? A. No sir.
- Q. Did any of your Choctaw ancestors ever claim or receive any land in Mississippi from the government of the United States as provided in article 14 of the treaty of Dancing Rabbit Creek? A. I don't know.
- Q. In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the government directed an agent in Mississippi to register the names of those Choctaws who might desire to remain in Mississippi and become citizens of the states. The records of the government show that this agent failed to register the names of a great many Choctaws who really did signify their intention to remain in Mississippi and take land under the provisions of the 14th article of the treaty of Dancing Rabbit Creek. On this account in a great many instances, the land upon which Choctaws had improvements and which they desired reserved for them under article 14, was sold by the government and the Choctaws deprived of their lands. This caused a great deal of complaint among the Indians and in 1837 and 1842 Congress, by acts passed in those years, created commissions to go to Mississippi and hear claims of Choctaws who claimed that they complied with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but had received no benefits thereunder. Did any of your Choctaw ancestors appear before either of these commissions appointed under acts of Congress March 3, 1837 or August 23, 1842, and attempt to establish their rights under article

- 14 of the treaty of Dancing Rabbit Creek? A. I don't know.
- Q. The act of Congress approved August 23, 1842 provided that in case it should be finally determined that a Choctaw had complied with all the provisions of article 14 of the treaty of 1830, but that his land had been sold by the government, he should be entitled to select land elsewhere in the states of Mississippi, Alabama, Louisiana or Arkansas to be taken from vacant government land, and that a certificate to that effect should be given him. These certificates were called scrip. Did any of your Choctaw ancestors ever receive any such scrip from the United States under this act of Congress? A. Never that I know of.
- Q. So far as you know were any of your ancestors ever recognized members of the Choctaw tribe of Indians? A. No sir.
- Q. So far as you know did they ever receive any benefits whatever as Choctaw Indians? A. No sir.
- Q. Have you any witnesses that you desire to introduce? A. No sir.
- Q. Have you any documentary evidence. A. No sir.
- Q. Do you desire time in which to present further testimony? A. Yes sir.
- Q. You will be allowed 30 days from this date within which to present such evidence as you desire in support of this application.
- Q. Do you speak or understand the Choctaw language? A. No sir.
- Q. Have you any further statement you wish to make? A. No sir.
- Q. Have any of your relatives appeared here to make application prior to this time? A. No sir, not that I know of.

This applicant has the appearance of being a white person, and shows no indication of being possessed of Choctaw blood. Light complexion, blue eyes, brown hair; has no knowledge of compliance upon the part of her ancestors with the provisions of the 14th article of the treaty of 1830.

May Hudson upon oath states that as stenographer to the Commission to the Five Civilized Tribes she correctly recorded the testimony in the above entitled cause, and that the foregoing is an accurate transcript of her stenographic notes thereof.

*May Hudson*

Subscribed and sworn to before me this March 20, 1903.

*W. O. Beall*  
Notary Public.

COPY.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---g---

In the matter of the application of Gertrude F. Stone,  
et al., for identification as Mississippi Choctaws, W.C.R. 7162.

---: D E C I S I O N :---

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Gertrude F. Stone for herself and her two minor children, Myrtle A. and Earl E. Stone, under the following provision of the act of Congress approved June 25, 1898 (30 Stats., 496):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Martha Ann Gandy, nee Kelley, who is alleged to have been a Choctaw Indian, degree of blood not stated, and to have resided in Mississippi in eighteen hundred and thirty.



It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw Tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Martha Ann Gandy, nee Kelley, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissioners authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Gertrude F. Stone, Myrtle A. Stone and Earl B. Stone, as Choctaw Indians entitled to rights in the Choctaw lands under the provis-



-3-

ions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

*Tame Bixby.*

Chairman.

(SIGNED)

*T. B. Needles.*

COMMISSIONER.

(SIGNED)

*C. R. Breckinridge.*

COMMISSIONER.

(SIGNED)

*W. E. Stanley.*

COMMISSIONER.

Muskogee, Indian Territory,

JAN 26 1904

United States of America,  
The Indian Territory,  
Southern Judicial District.

Before the Honorable Commission to the Five Civilized Tribes

In the matter of the application of Gertrude

F. Stone, Earl B. Stone and Myrtle A. Stone, for identification as  
Mississippi Choctaws.

Application for commission to take depositions

*Herbert E. Taylor*  
Pauls Valley, I.T.  
Attorney for applicants.

On this 18th day of ~~April~~, 1903, personally appeared before me Gertrude F. Stone, who after having been by me duly sworn deposes and says:

1. That she has in person made application to the Commission to The Five Civilized Tribes for identification as a ~~Mississippi~~ Choctaw for herself and for Myrtle A. Stone and Earl H. Stone, her minor children.

2. She says that it is necessary for her to take the deposition of witnesses who reside in ~~Mississippi~~ to establish her claim and that the said witnesses will testify to material facts in her case as is set out following their respective names:

3. The witness, William J. Gandy of Tagher's Depot, Miss. will testify that he has known the applicant Gertrude F. Stone all of her life and was acquainted with her parents and grand parents as well.

He will testify that her grandmothers maiden name was Martha A. Kelly, that she first married a Mr. Thompson and after wards married Chester H. Gandy who was said applicant's grandfather.

He will testify that the said Martha A. Kelly was an Indian by blood and resided in the old Choctaw Nation in ~~Mississippi~~, prior to 1830.

He will testify that the said grandmother of applicant made application for lands under the act of 1830.

4. Alfred Bowen of Potts Camp, Miss. will testify to about the same state of facts as William J. Gandy.

5. Johnnie Boatwright of Waits, Miss. Will also testify to about the same state of facts.

6. Eunice J. Gandy, <sup>husband's</sup> will testify that she is the mother of applicant and that her mother Martha A. Kelly was an Indian by blood and resided in the old Choctaw Nation in ~~Mississippi~~ as far back as she can remember and that she has always understood that her mother made application for lands under act of 1830. <sup>husband's</sup>

7. That a copy of interrogatories to be propounded to the various witnesses are attached to ~~this~~ affidavit.

Wherefore applicant prays that a commission issue to some officer who is authorized to take depositions and that the tes-

timony of the said witnesses be read as evidence upon hearing of  
applicant's application.

Marshall H. Hotal  
Subscribed and sworn to before me this 13th. day of April, 1905.

Notary Public  
Notary Public within and for the Southern District of the  
Indian Territory.

Before the Hon. Commission to the Five Civilized Tribes,

In the Matter of the Application of Gertrude F. Stone,  
Earl B. Stone and Myrtle A. Stone for identification as Mississippi  
Choctaws.

Interrogatories to be propounded to William J. Gandy,  
of Taylors Depot, Miss.; Alfred Bowen, of Potts Camp, Miss.; Jonnie  
Beatright of Wates Miss.; and Eunice J. Gandy of Potts Camp, Miss.

1. State your name, age, residence and occupation?
2. State what relation you are, if any, to Gertrude F.  
Stone, late of Mississippi, but now residing at Maysville, Indian  
Territory?
3. State the names of her father and mother?
4. State the names of her grand parents on her father's  
side?
5. State whether or not said parents and grand parents  
are living, and state who of them you were and are acquainted with  
and what your acquaintance was with them?
6. State whether or not Thomas W. Gandy, the father of  
Gertrude F. Stone was a Choctaw Indian by blood?
7. State whether or not Martha A. Gandy, whose maiden  
name was Kelley, was a Choctaw Indian by blood?
8. State if you know how many times Martha A. Kelley was  
married, and the names of her husbands?
9. Give the dates when you first got acquainted with  
Thomas W. Gandy and his mother Martha A. Gandy, and where each lived  
during the time of your acquaintance with them?
10. State whether or not Thomas W. Gandy made application  
for an allotment of lands in Mississippi under the Treaty of 1830  
and give the sources of your knowledge and information?

We hereby accept service of a copy of the foregoing affidavit,  
and copy of interrogatories.

---

Attorneys for Choctaw and  
Chickasaw Nations:

I certify that I served a copy of  
the foregoing affidavit, application  
and interrogatories on Mr. M. M. M.  
M. M. M. in South  
McAlister Ind. Ter. on the 12th  
day of May 1903.

*[Signature]*

Subscribed & sworn to before me  
this 12th day of May 1903.

*[Signature]*

Commission expires August 9, 1905.

*[Signature]*

MCM 414

In Re application  
of Arthur L  
Stone et al

for assignment  
of mineral rights  
in the

James E. Taylor  
Pauls Valley, I.T.  
att'y for applicants

Muskogee, Indian Territory, April 2, 1903.

Gertrude P. Stone,

Maysville, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 30th ultimo in which you state: "We are poor and not able to fee a lawyer, and are ignorant in law. We beg to be advised if we will haft to have our witnesses brought there before you, or can they testify where they live?"

Replying to your letter, you are informed that it appears from the records of the Commission that you are an applicant for the identification of yourself and minor children as Mississippi Choctaws, having submitted such application March 20, 1903.

The Commission is averse to accepting ex parte affidavits in support of applications for identification as Mississippi Choctaws, and prefer whenever possible to have the personal appearance of witnesses for examination under oath. In event, however, that your witnesses are unable to make personal appearance on account of old age or infirmity, or are non-residents of Indian Territory, their depositions may be considered when taken in accord-



O F S 2

ance with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, a copy of which rules and regulations is enclosed you herewith.

Respectfully,

Commissioner in Charge.

Enc R & R Dep.

M C R 7162

Muskogee, Indian Territory, November 7, 1903.

Gertrude F. Stone,

Maysville, Indian Territory.

Dear Madam:

It appears from our records that on July 24, 1903, this Commission forwarded to Yerker E. Taylor, attorney-at-law, Pauls Valley, Indian Territory, commissions to take the depositions of Alfred Bowen, Johnnie Boatwright, William J. Gandy and Eunice J. Gandy; same to be read in evidence in the matter of your application for identification as a Mississippi Choctaw. You are informed that these depositions have not been returned and you are hereby notified that unless they are returned prior to December 15, 1903, the same will not be considered as evidence in your case.

Respectfully,

Chairman.

M C R 7162

Muskogee, Indian Territory, May 2, 1903.

Yerker E. Taylor,  
Attorney at Law,  
Pauls Valley, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of April 27, 1903, enclosing application for commission to take depositions, and interrogatories to be propounded to witnesses in support of the Mississippi Choctaw application of Gertrude P. Stone, et al., and the same are returned to you herewith for the reason that subdivision E of rule 2, and rules 12 and 13 of the rules and regulations governing the procedure in the taking and submission of depositions in support of Mississippi Choctaw applications have not been complied with. A copy of said rules and regulations is herewith enclosed.

Respectfully,

Chairman.

McM 414

M.C.R. 7162.

Muskogee, Indian Territory, July 24, 1903.

Yerker E. Taylor,

Attorney-at-Law,

Pauls Valley, Indian Territory.

Sir:

Enclosed please find commission to take the deposition of Johnnie Beatwright, same to be read in evidence in the matter of the application for identification as Mississippi Choctaws of Gertrude F. Stone, et al., pending before the Commission to the Five Civilized Tribes. Attached to this Commission are the direct and cross interrogatories to be propounded to said witness; also caption and certificate which are to be filled out by the officer before whom this deposition is taken.

You will hand these documents to an officer authorized by law to take depositions, and instruct him, immediately upon the completion of the taking of this deposition, to return same to this Commission in order that the application in which they are to be filed may be brought to as early a determination as possible.

Respectfully,

Enclosure:  
J. D. #6.

Commissioner in Charge.

M.C.R. 7162.

Muskogee, Indian Territory, July 24, 1903.

Yerker E. Tayler,

Attorney-at-Law,

Pauls Valley, Indian Territory.

Sir:

Enclosed please find commission to take the deposition of William J. Gandy, same to be read in evidence in the matter of the application for identification as Mississippi Choctaws of Gertrude F. Stone, et al., pending before the Commission to the Five Civilized Tribes. Attached to this commission are the direct and cross interrogatories to be propounded to said witness; also a caption and certificate which are to be filled out by the officer before whom this deposition is taken.

You will hand these documents to an officer authorized by law to take depositions, and instruct him, immediately upon the completion of the taking of this deposition, to return same to this Commission in order that the application in which they are to be filed may be brought to as early a determination as possible.

Respectfully,

Enclosure:  
J.D. #8.

Commissioner in Charge.

Muskegee, Indian Territory, July 24, 1903.

Yerker E. Taylor,  
Attorney-at-Law,  
Pauls Valley, Indian Territory.

Sir:

Enclosed please find commission to take the deposition of Eunice J. Gandy, same to be read in evidence in the matter of the application for identification as Mississippi Choctaws of Gertrude F. Stone, et al., pending before the Commission to the Five Civilized Tribes. Attached to this commission are the direct and cross interrogatories to be propounded to said witness; also a caption and certificate which are to be filled out by the officer before whom this deposition is taken.

You will hand these documents to an officer authorized by law to take depositions and instruct him, immediately upon the completion of the taking of this deposition, to return same to this Commission in order that the application in which they are to be filed may be brought to as early a determination as possible.

Respectfully,

Enclosure:  
J. D. #5.

Commissioner in Charge.

Muskogee, Indian Territory, July 10, 1903.

Yerker M. Taylor,  
Attorney-at-Law,  
Pauls Valley, Indian Territory.

Sir:

The Commission is in receipt of your communication of July 7, 1903, enclosing affidavit of Gertrude F. Stone, wherein she sets forth her reasons for desiring to have certain depositions taken in support of the application which she made in behalf of herself and her minor children as Mississippi Choctaws; also interrogatories to be propounded to said witnesses, with proof of service of copies thereof upon the attorneys for the Choctaw and Chickasaw Nations.

These documents, being in due form, have been filed with and made a part of the record in the application of Gertrude F. Stone, et al., M.C.R. 7162, and when the required time has elapsed for the filing of cross interrogatories by the attorneys for the Choctaw and Chickasaw Nations, a commission will be issued for the taking of these depositions and same will be forwarded to you to be placed in the hands of an officer authorized by law to take depositions.

Respectfully,

Commissioner in Charge.

M C R 7162

Muskogee, Indian Territory, November 7, 1903.

Yerker E. Taylor,

Attorney-at-Law,

Pauls Valley, Indian Territory.

Dear Sir:

It appears from our records that on July 24, 1903, this Commission forwarded you commissions to take the depositions of Alfred Bowen, Johnnie Boatwright, William J. Ganby and Eunice J. Ganby, same to be read in evidence in the matter of the application for identification as Mississippi Choctaws of Gertrude F. Stone, et al. Said depositions have not been returned and you are hereby notified that unless the same are taken and forwarded to this Commission prior to December 15, 1903, they will not be considered as evidence in said case.

Respectfully,

Chairman.



Muskogee, Indian Territory, July 24, 1903.

Yerker E. Taylor,

Pauls Valley, Indian Territory.

Sir:

Enclosed please find commission to take the deposition of Alfred Bowen, same to be read in evidence in the matter of the application for identification as Mississippi Choctaws of Gertrude F. Stone, et al., pending before the Commission to the Five Civilized Tribes. Attached to this commission are the direct and cross interrogatories to be propounded to said witness; also a caption and certificate which are to be filled out by the officer before whom this deposition is taken.

You will hand these documents to an officer authorized by law to take depositions, and instruct him, immediately upon the completion of the taking of this deposition, to return same to this Commission in order that the application in which they are to be filed may be brought to as early a determination as possible.

Respectfully,

Enclosure:  
J. D. #7.

Commissioner in Charge.

COPY

M.C.R. 7162

Muskogee, Indian Territory, January 28, 1904.

Gertrude F. Stone,

Maysville, Indian Territory.

Dear Madam:

You are hereby advised that on the 26th day of January, 1904, the Commission to the Five Civilized Tribes rendered a decision in the case of Gertrude F. Stone, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the Act of Congress of June 28, 1898 (30 Stat., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Gertrude F. Stone, Myrtle A. Stone and Earl B. Stone, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers

in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*T. B. Needles.*

Commissioner in Charge.

Registered.

M.C.R. 7162

COPY

Muskogee, Indian Territory, January 26, 1904.

Yerker E. Taylor,  
Attorney at Law,  
Pauls Valley, Indian Territory.

Dear Sir:

You are hereby advised that on the 26th day of January, 1904, the Commission to the Five Civilized Tribes rendered a decision in the case of Gertrude F. Stone, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the Act of Congress of June 28, 1898 (30 Stat., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Gertrude F. Stone, Myrtle A. Stone and Earl B. Stone, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case

have been allowed fifteen days from the date hereof within which to file arguments in this office, and at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*T. B. Needles.*

Commissioner in Charge.

---

Registered.

Muskogee, Indian Territory, January 26, 1904.

Mansfield, McMurray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 26th day of January, 1904, the Commission to the Five Civilized Tribes rendered a decision in the case of Gertrude F. Stone, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provisions of the Act of Congress of June 28, 1898 (30 Stat., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Gertrude F. Stone, Myrtle A. Stone and Earl B. Stone, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,  
J. B. Needles

*J. B. Needles.*

Commissioner in Charge.

COPY.

Muskogee, Indian Territory, February 11, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

There is transmitted herewith the record in the case of Gertrude F. Stone, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of January 26, 1904.

The Commission has the honor to report that the principal applicant herein, her attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED)

*T. B. Needles.*

Commissioner in Charge.

Through the  
Commissioner of Indian Affairs.

2 Enc. M.C.R. 7162.

Land  
11543-1904

(Copy)

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs.

WASHINGTON, Feb. 25, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

Permit me to invite your attention to the record of the Commission to the Five Civilized Tribes in the matter of the application of Gertrude F. Stone for the identification of herself, and her two minor children, Myrtle A. and Earl B. Stone, as Mississippi Choctaws, wherein a decision rejecting them was entered by the Commission on January 26, 1904.

The record in this case shows that the applicants base their claims to a right to identification on their descent from Martha Ann Gandy nee Kelley, who is alleged to have been a Choctaw Indian.

Mrs. Stone, who is the only witness, is unable to testify that this ancestor, who is the only ancestor whose name she is able to give, was a resident of the Choctaw Nation, in Mississippi or Alabama, in 1830, or that she was the head of a family at that time or the owner of improvements in the Choctaw Nation or



ever complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, except that she had heard that they did attempt and failed.

Her sole reliance is placed on her Choctaw blood derived from the ancestor through whom she claims.

The applicants were rejected by the commission for the reason that an investigation of its records failed to show that Martha Ann Gandy nee Kelley signified in person or by proxy to Col. William Ward her intention to comply with the provisions of article 14 of the treaty of 1830 or presented a claim to rights thereunder to either of the commissions authorized to adjudicate such claims by the Acts of Congress approved March 3, 1837 and August 23, 1842.

The commission also found that these applicants had never been admitted to citizenship by the tribal courts or the council or the commission.

An investigation of the records of this office has been made with reference to the names of Martha Ann Gandy and Martha Ann Kelley and it is ascertained that neither of these names appear among the names of those persons who either complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830. I am therefore of opinion that the decision of

--3--

the commission rejecting the applicants was correct, and recommend that it be approved.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

(E.B.H.) P.

M C R 7162

Muskogee, Indian Territory, February 26, 1904.

Gertrude F. Stone,

Saratoga, Mississippi.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 22nd instant, asking if the Commission will hear further evidence in support of your application for identification as a Mississippi Choctaw.

In reply you are advised that the record in your case, together with the decision of the Commission refusing the application made by you for the identification of yourself and minor children as Mississippi Choctaws, was on February 11, 1904, forwarded to the Secretary of the Interior. Pending action thereon by him the Commission is without authority to receive or consider any further evidence in support of your claim.

Respectfully,

Commissioner in Charge.

D.C.11670-1904.  
I.T.D.1662-1904  
LRS

(Copy)

J.W.H.  
FHE

DEPARTMENT OF THE INTERIOR,

WASHINGTON, April 9, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

February 11, 1904, you transmitted the record in the matter of the application of Gertrude F. Stone for the identification of herself and her two minor children, Myrtle A. and Earl B. Stone, as Mississippi Choctaws, including your decision of January 26, 1904, refusing to identify them as such.

Reporting in the matter February 25, 1904, the Acting Commissioner of Indian Affairs recommends that your action be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation; your decision is accordingly affirmed.

Respectfully,

(signed) THOS. RYAN,  
Acting Secretary.

1 inclosure.

M.C.R. 7162

COPY

Muskogee, Indian Territory, April 30, 1904.

Gertrude F. Stone,

Saratoga, Mississippi,

Dear Madam:

You are hereby notified that on the 9th day of April, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of

Gertrude F. Stone et al., of which decision you were advised by registered mail on the 26th day of January, 1904.

Respectfully,

(SIGNED)

*James Bixby.*

Chairman.

M.C.R. 7162.

COPY:

Muskogee, Indian Territory, April 30, 1904.

Yerker E. Taylor,

Attorney at Law,

Pauls Valley, Indian Territory,

Dear Sir:

You are hereby notified that on the 9th day of April, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Gertrude F. Stone, et al., of which decision you were advised by registered mail on the 26th day of January, 1904.

Respectfully,

(SIGNED)

*Lame Bixby.*

Chairman.

M.C.R. 7162

COPY.

Muskogee, Indian Territory, April 30, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby notified that on the 9th day of April, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Gertrude F. Stone et al., of which decision you were advised by mail on the 26th day of January, 1904.

Respectfully,

(SIGNED)

*Jams Bixby.*

Chairman.

No. 7162

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 20 1903

Name, Gertrude F. Stone

Age 23 Blood 1/8

Post Office, Saratoga, Mississippi (No such P.O.)

Father: Thomas W. Gandy D.

Mother: Eunice J. " L.

Claims through father.

Husband: Joseph A. Stone, w. L.  
(No claim for him)

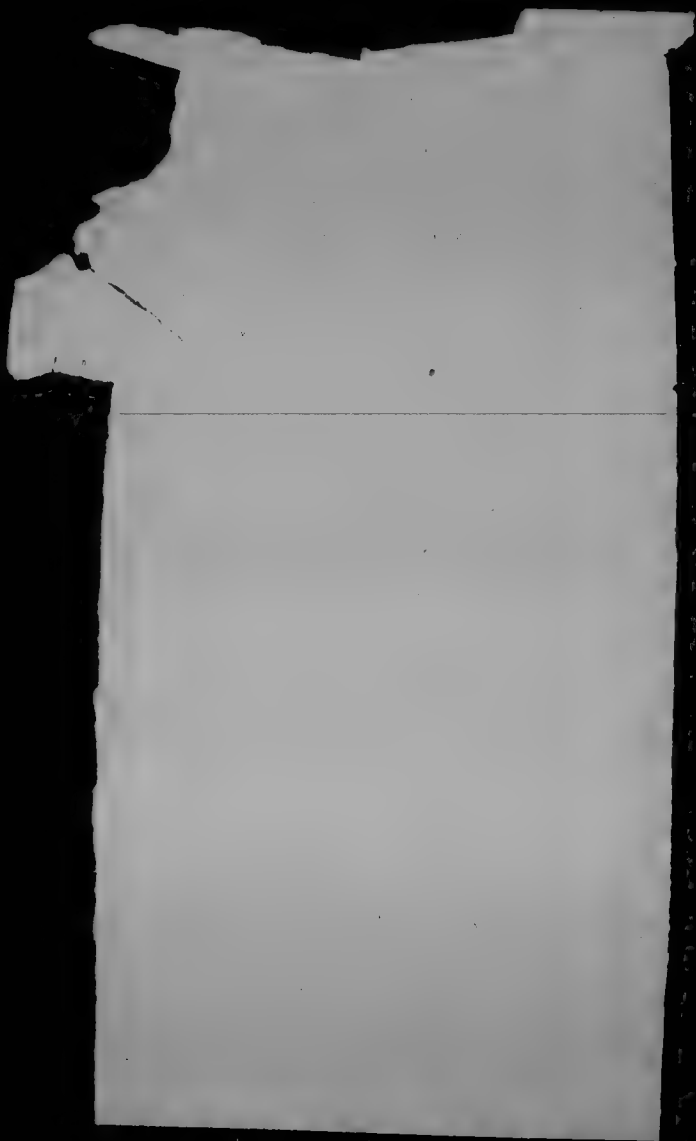
Children:

Myrtle A. Stone 4  
Earl B. " 16 mo.

(Claims for self & 2 minor children)

Stenographer R. B. Blaisenberg





Choctaw MCR 7163

Bessie Yeargain

MCR 7163

#7163

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T. March 20, 1903.

-----

In the matter of the application of Bessie Yeargain for the identification of herself as a Mississippi Choctaw.

Bessie Yeargain, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Bessie Yeargain.  
Q What is your age? A Eighteen.  
Q What is your post office address? A Madill, Indian Territory.  
Q How long have you lived at Madill? A Two years in May.  
Q Where did you live before that? A Oakland, Indian Territory.  
Q How long did you live there? A Four years.  
Q Where did you live before that? A Denison, Texas.  
Q Were you born there? A Yes.  
Q You lived in Denison all your life until you moved to the Territory? A Yes, sir.  
Q What is your father's name? A Louis A. Harper.  
Q Is he living? A Yes, sir.  
Q What is your mother's name? A Georgia Paul.  
Q Is she living? A Yes, sir.  
Q Your father and mother have been divorced? A Yes.  
Q Through which one of your parents do you claim? A Through the Harper side.  
Q Through your father? A Yes, sir.  
Q How much Choctaw blood do you claim? A I don't know.  
Q Has your father, through whom you claim the right to identification ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States? A No, I guess not.  
Q Through which one of his parents does your father claim his Choctaw blood? A His father.  
Q What is his father's name? A William Harper.  
Q What was William Harper's wife's name? A Mary Harper.  
Q She was a white woman? A Yes, sir.  
Q She claimed no Choctaw blood? A No, sir.  
Q How old is your father at this time? A Forty.  
Q Do you know how old William Harper would be if living? A No.  
Q Through which one of his parents did William Harper claim his Choctaw blood? A His father.  
Q Do you know what his father's name was? A Sam Harper.  
Q Do you know the name of Sam Harper's wife? A No I don't.  
Q Do you know how much Choctaw blood Sam Harper had? A No I don't know.  
Q Do you know when Sam Harper and his wife were married? A No, I don't remember that.  
Q Do you know if they were married before 1830? A No I don't.

Bessie Yeargain -----2.

- Q Do you know whether your grandfather, William Harper, had any older brothers and sisters? A I don't know whether they were older or not.
- Q Do you know through which parents your great-grandfather, Sam Harper, claimed his Choctaw blood? A It was his father I guess.
- Q What was his name? A Charles Harper.
- Q Charles Harper then was your great-great-grandfather? A Yes.
- Q Do you know the name of Charles Harper's wife? A No.
- Q Do you know through which parent Charles Harper claimed his Choctaw blood? A It was his mother and father both.
- Q What was his father's name? A John Harper.
- Q Do you know the name of John Harper's wife? A No.
- Q John Harper and his wife were your great-great-great-grandparents? A I reckon so.
- Q Are you married? A Yes.
- Q What is your husband's name? A Sale C. Yeargain.
- Q What is his blood? A He is a white man.
- Q He claims no Choctaw blood? A No.
- Q He is living? A Yes.
- Q You make no claim for him? A No.
- Q Have you any children for whom you wish to make application? A No.
- Q This application then is for yourself alone? A Yes.
- Q Where were your father and mother married? A At Waco, Texas.
- Q Were they married under a license? A I reckon they were.
- Q Have you any evidence of their marriage with you at this time? A No.

It will be necessary that you furnish the Commission with proper evidence of the marriage of your parents in support of the claim you now make. This evidence may be furnished within thirty days.

- Q Do you know when your grandfather and grandmother, William Harper and his wife, were married? A No.

It will be well for you to secure evidence of the marriage of your grand parents if you can do so.

- Q Is your name to be found on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No.
- Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as a member of that tribe of Indians? A No.
- Q Did you make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A Not that I know of.
- Q Is this the first application of any description for citizenship in the Choctaw Nation that has ever been made by you or on your behalf? A Yes.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the provisions of article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand that article? A Yes, sir.

Article fourteen reads as follows:

Bessie Yeargain -----3.

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of the treaty, and he or she shall thereupon be entitled to a reservation of one section of six-hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Is that the provision of law under which you are claiming the right to identification as a Mississippi Choctaw? A Yes.
- Q Were any of your Choctaw ancestors living in the old Choctaw Nation in Mississippi when this treaty was made? A I don't know.
- Q Were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians at that time? A I don't know.
- Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors own an improvement in 1830 in what constituted the old Choctaw Nation? A I don't know that.
- Q Did any of your Choctaw ancestors remove from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, at the time of the removal of the greater portion of the Choctaw Indians between the years 1833 and 1838? A I don't know.
- Q Did any of your Choctaw ancestors, within six months after the ratification of the treaty of 1830 signify to the Agent in Mississippi at that time an intention to remain in the old Choctaw Nation, take land there and become citizens of the states? A I don't know.
- Q Did any of your Choctaw ancestors ever claim or receive any land from the government under the provisions of article fourteen of the treaty of 1830? A I don't know.

In accordance with the provisions of article fourteen of the treaty of 1830, the government directed an Agent in Mississippi at that time to register the names of those Choctaws who might desire to remain in Mississippi and comply with the provisions of that article. The records of the government show that this agent failed to register and report the names of a great many Choctaws who really did signify to him their intention to remain in the old Choctaw Nation, to take land there and become citizens of the states. On this account, in many instances, the lands on which these Indians lived and had improvements, and which they desired to have reserved for them were sold by the government at its public land sales and the Indians deprived of their land. This caused much complaint among the Choctaws and the matter was finally brought to the attention of Congress, and Congress by acts passed March 3, 1837, and August 23, 1842, appointed Commissions whose duty

Bessie Yeargain -----4.

it was to go to Mississippi and investigate these claims.

- Q Do you know whether any of your Choctaw ancestors appeared before either of these Commissions appointed in 1837 or in 1842 and attempted to establish their rights under the provisions of article fourteen of the treaty of 1830? A I don't know.

In accordance with the provisions of the act of Congress of August 23, 1842, if it should be finally determined that a Choctaw had complied with article fourteen of the treaty of 1830, he should be entitled to select land, in case his had been sold by the government, in either the states of Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant government land, and that a certificate to that effect should be given him. These certificates were called scrip.

- Q Did any of your Choctaw ancestors receive any such scrip from the government under that act of Congress? A I don't know.  
Q So far as you know have any of your Choctaw ancestors ever been recognized members of the Choctaw tribe of Indians? A No.  
Q Have they ever received any benefits from the government as Choctaw Indians? A No.  
Q Have you any witnesses? A No.  
Q Any documentary evidence? A No.  
Q Do you desire time in which to present further evidence? A Yes.

You will be allowed thirty days from the date of this application within which to introduce additional evidence in support of your claim.

- Q Do you speak or understand the Choctaw language? A No.  
Q Are there any further statements you wish to make? A No.  
Q Several of your relatives have appeared before the Commission? A Yes.  
Q Can you name a few of them? A L. A. Harper, Sam Harper and W. L. Harper.  
Q Do you desire your case consolidated with those of your relatives who are claiming under the same common ancestor? A Yes.

This applicant has the appearance of being a white woman; dark complected, black hair, brown eyes; has the appearance of possessing some Choctaw blood; has no knowledge of any compliance on the part of her Choctaw ancestors with the provisions of article fourteen of the treaty of 1830.

R. B. Eisenberg, being first duly sworn, states on his oath, that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on the 20th day of March, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings had on said date.

*R. B. Eisenberg*

Subscribed and sworn to before me this 21st day of May, 1903.

*Charles H. Sawyer*

Notary Public.

M.O.R.7163.

Muskogee, Indian Territory, November 6, 1903.

Bessie Yeargain,

Madill, Indian Territory.

Dear Madam:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of your application for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Commissioner in Charge.

M C R 7163

Muskogee, Indian Territory, March 19, 1904.

Bessie Yeargain,

Madill, Indian Territory.

Dear Madam:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which your application for identification as a Mississippi Choctaw was made a part, refusing said application.

You are further advised that a copy of such decision has been furnished your attorneys of record, Thomas & Harrison, Muskogee, Indian Territory; that the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted to the Secretary of the Interior for his consideration with such argument and brief as may be submitted by your attorneys.

Respectfully,

Commissioner in Charge.

Registered



M C R 7163

Muskogee, Indian Territory, June 22, 1905.

Bessie Yeargain,

Madill, Indian Territory.

Dear Madam:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 19th day of March, 1904.

Respectfully,

Chairman.

2

No. 7163

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 20 1903

Name

Bessie Yeorgain

Age

18.

Blood

don't know

Post Office,

Madill, I. T.

Father:

Louis A. Harper L.

Mother:

Georgia Paul. L.

Claims through

father

Husband

Sal C. Yeorgain w. L.  
(No claim for him)

Children:

(Claim for self also,

Stenographer

R. B. Keimling

FOR IDENTIFICATION  
A MISSISSIPPI CHOCTAW

Bessie Yeargain

DECISION RENDERED

MAR 4 1904

COPY OF DECISION FORWARDED  
ATTORNEY FOR CHOCTAW AND  
CHICKASAW NATIONS

MAR 4 1904

NOTICE OF DECISION FORWARDED APPLICANT. MAR 10 1904

COPY OF DECISION FORWARDED  
ATTORNEY FOR APPLICANT.

MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED BY  
SECRETARY OF INTERIOR.

MAR 31 1905

NOTICE OF DEPARTMENTAL  
ACTION MAILED APPLICANT.

JUN 26 1905

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT.

JUN 26 1905

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

REFER TO M. C. R. 5670

Choctaw MCR 7164

Granville Jones

MCR 7164

#7164.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T. March 20, 1903.

-----

In the matter of the application of Granville Jones for the identification of himself and his four minor children, Ella, Yancey, Bailey and Nora Jones, as Mississippi Choctaws.

Appearance: S. B. Dawes, attorney for applicant.

Granville Jones, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Granville Jones.  
Q What is your age? A Forty-one.  
Q What is your post office address? A Austin, Texas.  
Q How long have you lived at Austin? A 10 years.  
Q Where did you live before that? A I lived in Arkansas.  
Q Were you born in Arkansas? A Yes, sir.  
Q You were born in Arkansas and have since lived in Texas? A Yes.  
Q What is your father's name? A Alfred Jones.  
Q Is your father living? A No, sir.  
Q What is your mother's name? A Jane P. Jones.  
Q Is she living? A Yes.  
Q Through which one of your parents do you claim? A My father.  
Q How much Choctaw blood do you claim? A One-sixteenth.  
Q Has your father ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States? A No, sir.  
Q Through which one of his parents does your father derive his Choctaw blood? A His father.  
Q What is his name? A Robert Jones.  
Q What is the name of your father's mother? A Malinda.  
Q Is she a white woman? A Yes, sir.  
Q She claims no Choctaw blood? A No, sir.  
Q How old would your father be if living? A Seventy-nine.  
Q When did Robert Jones die, if you knew? A About 1860.  
Q Robert Jones was the head of a family in 1830, was he not? A Yes, sir.  
Q Are you married? A Yes, sir.  
Q What is your wife's name? A Alice.  
Q Is she a white woman? A Yes.  
Q You make no claim for her? A No.  
Q She is living? A Yes, sir.  
Q Have you any children for whom you wish to make application?  
A Yes, sir.  
Q What are their names and ages? A Ella, 15; Yancey, 17; Bailey, 13; and Nora, 11.  
Q This application then is for yourself and your four minor children?  
A Yes, sir.  
Q Are you the father of all these children? A Yes, sir.  
Q Is Alice Jones the mother? A Yes.

Granville Jones -----2.

- Q These children claim through you? A Yes, sir.  
Q When and where were you married to Alice Jones? A In 1882, in Arkansas.  
Q Were you married under a license? A Yes, sir.  
Q Have you your license with you? A No.

It will be necessary that you furnish the Commission with evidence of your marriage to Alice Jones in support of the claim which you make for your minor children. This evidence may be furnished within thirty days.

- Q When and where were your father and mother married? A I do not know.  
Q Have you any evidence of that marriage with you? A No.

It will be necessary that you furnish the Commission with evidence of the marriage of your father and mother in support of the claim which you make for yourself. This evidence may be furnished within thirty days.

- Q Is your name or are the names of any of your minor children to be found on the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.  
Q Did you, or did any one for you, or for your minor children, ever make application to the Choctaw tribal authorities to be enrolled as members of that tribe of Indians? A No, sir.  
Q Did you, or did any one for you, or for your minor children, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No, sir.  
Q Is this the first application of any description that you have ever made or that has been made in your behalf? A To my knowledge.  
Q You appear at this time claiming rights for yourself and minor children in the Choctaw lands under the provisions of article fourteen of the treaty of 1830? A Yes, sir.  
Q Do you understand that article? A Yes, sir.

Article fourteen reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months after the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six-hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Granville Jones -----3.

- Q That is the provision of law under which you are claiming the right to identification as a Mississippi Choctaw? A Yes, sir.
- Q What is the name of your Choctaw ancestor through whom you claim? A Rebecca Box.
- Q What relation was Rebecca Box to Robert Jones? A His mother.
- Q How much Choctaw blood did Rebecca Box have? A She was 1/2.
- Q Do you know through which one of her parents Rebecca Box claimed her Choctaw blood? A No, sir.
- Q Your grandfather, Robert Jones, was married and the head of a family in 1830? A Yes, sir.
- Q Then he is the Choctaw ancestor through whom you claim? A Yes.
- Q Did Robert Jones or any of your Choctaw ancestors comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A Not to my knowledge.
- Q Was Robert Jones living in 1830 when this treaty was made? A I so understand.
- Q Was he a recognized member of the Choctaw tribe of Indians? A I understand he was.
- Q Was he recognized by the tribal government or by the United States government, or was he simply regarded by his neighbors and acquaintances as possessing Choctaw blood? A He was recognized by the Choctaws.
- Q Do you know how he was recognized? A My understanding is that he made application for land in Mississippi and was recognized as a Choctaw.
- Q When was this application for land made by him? A I understand it was in 1830.
- Q Did Robert Jones, within six months after the ratification of the treaty of 1830 go to Colonel Ward, the Indian Agent in Mississippi at that time, and signify to him an intention to remain in the old Choctaw Nation, take land there and become a citizen of the states? A I have so heard.
- Q You have heard that your grandfather went to the Agent and endeavored to register for land under article fourteen of the treaty of 1830? A I could not say as to just how the application was made.
- Q Did any of your Choctaw ancestors ever claim or receive any land from the government as Choctaw Indians under article fourteen of the treaty of 1830? A I have heard that my grandfather made application to the government for land in 1830.
- Q Did he obtain that land? A I understand it was granted him.
- Q Did he live on it for five years? A I think not.
- Q He left it prior to the expiration of the five years residence required in article fourteen? A It is my understanding that owing to trouble he had to leave there.
- Q Did any of your Choctaw ancestors remove from that old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation, Indian Territory, at the time of the removal of the greater portion of the Choctaw Indians between the years 1833 and 1838? A I don't know.
- Q Do you know if Robert Jones owned an improvement in the old Choctaw Nation prior to 1830? A I don't know.

In accordance with the provisions of article fourteen of the treaty of 1830, the government directed an agent in Mississippi to register the names of these Choctaws who might desire to remain in the old Choctaw Nation and comply with the provisions of article fourteen of the treaty of 1830. The records of the government show that this Agent failed to register and

Granville Jones -----4.

report the names of a great many Choctaws who really did signify to him their intention of remaining in the old Choctaw Nation, their desire to take land there and become citizens of the states. On this account, in many instances, the lands on which Indians lived and had improvements, and which they desired to have reserved for them, were sold by the government at its public land sales and the Indians deprived of their land. This caused much complaint among the Choctaws and the matter was finally brought to the attention of Congress, and Congress, by acts passed March 3, 1837, and August 23, 1842, created Commissions whose duty it was to go to Mississippi and investigate these claims.

- Q Did Robert Jones or any of your Choctaw ancestors appear before either one of these Commissions appointed in 1837 or in 1842 and attempt to establish their rights under the provisions of article fourteen of the treaty of 1830? A Not that I know of.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with the provisions of article fourteen of the treaty of 1830, but that his land had been sold by the government, he should be entitled to select land elsewhere in the states of Mississippi, Alabama, Louisiana, or Arkansas, to be taken from vacant government land, and that a certificate to that effect should be given him. These certificates were called scrip.

- Q Did any of your Choctaw ancestors receive any such scrip from the government under that act of Congress? A Not to my knowledge.
- Q So far as you know have any of your Choctaw ancestors ever been recognized members of the Choctaw tribe of Indians? A Not to my personal knowledge
- Q So far as you know have any of them ever received any benefits as such? A No.
- Q Have you any witnesses? A No.
- Q Have you any documentary evidence to offer? A No.
- Q Do you desire time in which to present additional evidence? A Yes.

You will be allowed thirty days from the date of this application within which to introduce additional evidence in support of your claim. No extension of this time will be granted except upon motion in writing duly filed with the Commission, setting forth the cause for continuance, the names of the witnesses, and the matters to which they will testify.

- Q Do you speak or understand the Choctaw language? A No.
- Q Are there any further statements that you wish to make? A If it is important I would like to make a statement of my recollection from family history and tradition. I understand my grandmother spoke the Choctaw language--so did my father, who told me he learned it from Rebecca Box and from the Indians with whom he associated as a child. He tried to learn me to speak some words and to count, and I heard him converse with the Choctaws as we passed through the Nation. I know he spoke understandingly to them. My grandmother and father spoke to me of an old neighbor, Ish-no-tubbee, befriended them the time of the family trouble when they were compelled to leave Mississippi. He came to visit my people in Arkansas.



Granville Jones -----5.

- Q Who did he come to visit? A My ~~late~~ mother and father.
- Q You remember your grandmother and father? A Yes. My grandmother, who was living at that time in the Chickasaw Nation--some five years ago-- spoke to me and asked me if I knew that Ish-no-tubbe was dead. She said he had befriended them and she wanted to know if he was dead; that she would like to see him if he was not. She spoke of him at that time as having befriended them when they had to leave Mississippi. Knowing of the family tradition as to the Choctaw blood, I asked my mother why they did not attempt to secure their rights. She said the papers were destroyed in Mississippi at the time the house was burned.
- Q You have stated that your grandmother spoke and understood the Choctaw language? A I heard her and my father speaking in Choctaw. They said it was Choctaw.
- Q But he had no Choctaw blood? A No.

-----

By Mr. Dawes:

- Q Robert Jones was part Choctaw? A Yes, sir.
- Q Do you remember to have made a trip from the Choctaw Nation in your ~~early~~ boyhood? A Yes.
- Q Do you remember what year? A I can only approximate it. I was about 12 years old and I am now 42--about 29 years ago.
- Q On that trip did your father meet and converse with the Choctaws freely? A Yes, sir.
- Q And when Ish-no-tubbe visited your grandmother and father he spoke to them in Choctaw? A I think so; my father spoke to him in Choctaw.
- Q They conversed freely? A My father did not speak it very well. This Ish-no-tubbe was pointed out to me afterwards and I remembered seeing him there and hearing them converse, and some years after he was pointed out as Ish-no-tubbe and I went to him and tried to make myself understood, but could not. I informed him who I was but he did not seem to understand it. He was quite old.

-----

This applicant has the appearance of being a white man; dark complexion, high cheek bones, black hair, and may possess some Indian blood; he has no knowledge of any compliance on the part of his Choctaw ancestors with the provisions of article fourteen of the treaty of 1830, except that he understands that his grand-father, Robert Jones, secured land in Mississippi from the government.

- Q You are not able to swear positively that that land was obtained under article fourteen of the treaty of 1830? A No, sir.
- Q It might have been under some other article? A Yes, sir.

Reference is made to the case of Willis C. Jones, M.C.R. 6755 for the purpose of consolidation.

Granville Jones --- 6.

R. B. Eisenberg, being first duly sworn, states on his oath that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on the 20th day of March, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings taken on said date.

*R. B. Eisenberg*

Subscribed and sworn to before me this 23rd day of April, 1903.

*Charles K. Sawyer*  
Notary Public.

COPY.

M.C.R.7164

Muskogee, Indian Territory, March 17, 1904.

Granville Jones,

Austin, Texas.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 14, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Willis Cornelius Jones, et al., including you and your children, Ella, Yancey, Bailey and Nora Jones.

You are further notified that you will be allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*O. R. Breckinridge.*

Commissioner in Charge.

Registered.

MCR-7164

COPY.

Muskogee, Indian Territory, January 23, 1906.

Granville Jones,

Austin, Texas.

Dear Sir:

You are hereby notified that the Secretary of the Interior, on January 10, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of March 14, 1904, refusing the applications of the several persons included in the consolidated Mississippi Choctaw case of Willis Cornelius Jones, et al., of which, the application for the identification of yourself and children, Ella, Yancey, Bailey and Nora Jones, as Mississippi Choctaws, is a part.

Respectfully,

SIGNED *Jane Bixby.*

Commissioner.

3/

No. 7164

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 20 1903

Name Granville Jones.

Age 41 Blood 1/6

Post Office, Austin Texas.

Father: Alfred Jones D.

Mother: Jane P. L.

Claims through father

Wife: Alice Jones co. L  
(No claim for her)

Children:

Stella	19
Yancy	17
Bailey	15
Nora	13

(Claim for self & 4 children)

Stenographer R. B. Leimberg

Copy of testimony furnished S. B. Dawes, Atty in this case, 4/20/04  
See M C R 6755

---

U. S. MISSISSIPPI CHICKASAW

Granville Jones, et al

DECISION RENDERED.

MAR 14 1904

NOTICE OF DECISION MAILED APPLICANT.

MAR 17 1904

NOTICE OF DECISION FORWARDED  
ATTORNEY FOR APPLICANTS.

MAR 17 1904

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

MAR 17 1904

RECEIVED FORWARDED DEPARTMENT

MAY 31 1904

ACTION APPROVED BY SECRETARY OF INTERIOR.

JAN 10 1906

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

JAN 23 1906

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT.

JAN 23 1906

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

JAN 23 1906

REFER TO M. C. R.

Choctaw MCR 7165

Isaac J. Jones

MCR 7165



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T. March 20, 1903.

-----

In the matter of the application of Isaac J. Jones for the identification of himself and his four minor children, Ruth, Camille, Alfred and Jarrett Jones, as Mississippi Choctaws. Application made by Granville Jones, a brother of applicant.

Appearance: S. B. Dawes, attorney for applicant.

Granville Jones, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Granville Jones.  
Q What is your age? A Forty-one.  
Q What is your post office address? A Austin, Texas.  
Q What is your purpose in appearing before the Commission? A To make application for my brother and his children.  
Q What is the name of your brother? A Isaac J. Jones.  
Q Is Isaac J. Jones incapacitated from appearing personally? A He lives in Honduras.  
Q You will supply at a later date a power of attorney from your brother ratifying this application? A Yes.  
Q What is the age of Isaac J. Jones? A 39.  
Q What is his post office address? A Santo Rosa, De Copen, Honduras, Central America.  
Q How long has your brother resided in Honduras? A About a year.  
Q Where did he live before that? A In Austin, Texas.  
Q How long did he live in Austin? A About five years.  
Q Where did he live prior to that time? A In Mississippi.  
Q How long did he live in Mississippi? A Four years.  
Q Where did he live in Mississippi? A Rosedale, and Benoit.  
Q Before that he lived in Arkansas? A Yes, sir.  
Q Was he born in Arkansas? A Yes, sir.  
Q What was his father's name? A Alfred.  
Q Is he living? A No, sir.  
Q What was his mother's name? A Jane P. Jones.  
Q Is she living? A Yes, sir.  
Q Through which parent does he claim his Choctaw blood? A His father.  
Q How much Choctaw blood does he claim? A One-sixteenth.  
Q Has the father of Isaac J. Jones, through whom you claim the right for him to be identified as a Mississippi Choctaw, ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States? A No, sir.  
Q Through which one of his parents does his father derive his Choctaw blood? A His father.  
Q What is his name? A Robert Jones.  
Q What is the name of his father's mother? A Malinda.  
Q Is she a white woman? A Yes, sir.

Isaac J. Jones -----2.

- Q She claims no Choctaw blood? A No, sir.  
Q How old would his father be if living? A Seventy-nine  
Q When did Robert Jones die, if you know? A About 1860.  
Q Robert Jones was the head of a family in 1830, was he not? A Yes, sir.  
Q Is Isaac J. Jones married? A Yes, sir.  
Q What is his wife's name? A Maidee.  
Q Is she a white woman? A Yes, sir.  
Q She claims no Choctaw blood? A No, sir.  
Q You make no claim for her? A No, sir.  
Q Has Isaac J. Jones any children for whom you wish to apply? A Yes, sir.  
Q What are their names and ages? A Ruth, 8; Camille, 6; Alfred, 4, and Jarrett 2.  
Q This application then is for Isaac J. Jones and his four minor children? A Yes.  
Q Is Isaac J. Jones the father of these children? A Yes, sir.  
Q And is Maidee Jones the mother? A Yes, sir.  
Q These children claim their Choctaw blood through their father? A Yes, sir.  
Q Do you know where Isaac J. Jones and Maidee Jones were married? A I do not; they were married at Benoit.

It will be necessary that you furnish the Commission with proper evidence of the marriage of Isaac J. Jones and Maidee Jones. This evidence may be furnished within thirty days.

- Q When and where was Isaac J. Jones' father and mother married? A I do not know.  
Q Have you any evidence of that marriage with you? A No.

It will be necessary that you furnish the Commission with evidence of the marriage of his father and mother in support of the claim which you make for him. This evidence may be furnished within thirty days.

- Q Is his name or are the names of his minor children to be found on the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.  
Q Did he, or did any one for him, or for his minor children, ever make application to the Choctaw tribal authorities to be enrolled as members of that tribe of Indians? A No, sir.  
Q Did he, or did any one for him, or for his minor children, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No, sir.  
Q Is this the first application of any description that has ever been made in his behalf? A To my knowledge.  
Q You appear at this time claiming rights for Isaac J. Jones and his minor children in the Choctaw lands under the provisions of article fourteen of the treaty of 1830? A Yes, sir.  
Q Do you understand that article? A Yes, sir.

Article fourteen reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months after the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines

Isaac J. Jones -----3.

of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q That is the provision of law under which you are claiming the right to identification for Isaac J. Jones? A Yes, sir.
- Q What is the name of Isaac J. Jones' ancestor through whom you claim for him? A Rebecca Box.
- Q What relation was Rebecca Box to Robert Jones? A His mother.
- Q How much Choctaw blood did Rebecca Box have? A He was 1/2.
- Q Do you know through which one of her parents Rebecca Box claimed her Choctaw blood? A No, sir.
- Q Isaac J. Jones' grandfather, Robert Jones, was married and the head of a family in 1830? A Yes, sir.
- Q Then he is the Choctaw ancestor through whom you claim for Isaac J. Jones? A Yes, sir.
- Q Did Robert Jones comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A Not to my knowledge.
- Q Was Robert Jones living in 1830 when this treaty was made? A I so understand.
- Q Was he a recognized member of the Choctaw tribe of Indians? A I understand he was.
- Q Was he recognized by the tribal government or by the United States government, or was he simply regarded by his neighbors and acquaintances as possessing Choctaw blood? A He was recognized by the Choctaws.
- Q Do you know how he was recognized? A My understanding is that he made application for land in Mississippi and was recognized as a Choctaw.
- Q When was this application for land made by him? A I understand it was in 1830.
- Q Did Robert Jones, within six months after the ratification of the treaty of 1830, go to Colonel Ward, the Indian Agent in Mississippi at that time, and signify to him an intention to remain in the old Choctaw Nation, take land there and become a citizen of the states? A I have so heard.
- Q You have heard that Robert Jones went to the Agent and endeavored to register for land under article fourteen of the treaty of 1830? A I could not say as to just how the application was made.
- Q Did any of the Choctaw ancestors of Robert Jones ever claim or receive any land from the government as Choctaw Indians under article fourteen of the treaty of 1830? A I have heard that Robert Jones made application to the government for land in 1830.
- Q Did he obtain that land? A I understand that it was granted him.
- Q Did he live on it for five years? A I think not.
- Q He left it prior to the expiration of the five years residence required in article fourteen? A It is my understanding that

Isaac J. Jones -----4.

owing to trouble he had to leave there.

Q Did any of the ancestors of Isaac J. Jones remove from that old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation, Indian Territory, at the time of the removal of the greater portion of the Choctaw Indians between the years 1833 and 1838?

A I don't know.

Q Do you know if Robert Jones owned an improvement in the old Choctaw Nation prior to 1830? A I don't know.

In accordance with the provisions of article fourteen of the treaty of 1830 the government directed an Agent in Mississippi to register the names of all those Choctaw Indians who might desire to remain in the old Choctaw Nation and comply with the provisions of article fourteen of that treaty. The records of the government show that this agent failed to register and report the names of a great many Choctaws who really did signify to him their intention to remain in the old Choctaw Nation, take land there and become citizens of the states. On this account, in many instances, the lands on which Indians lived and had improvements, and which they desired to have reserved for them, were sold by the government at its public land sales, and the Indians deprived of their land. This caused much complaint among the Choctaw Indians and the matter was finally brought to the attention of Congress, and Congress, by acts passed March 3, 1837, and August 23, 1842, created Commissions whose duty it was to go to Mississippi and investigate the claims of these Choctaws.

Q Did Robert Jones appear before either of these Commissions appointed in 1837 and in 1842 and attempt to establish his right as a Choctaw Indian under the provisions of article fourteen of the treaty of 1830? A Not that I know of.

The act of Congress approved August 23, 1842, provided, that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article fourteen of the treaty of 1830, but that his land had been sold, he should be entitled to select land elsewhere in the states of Mississippi, Alabama, Louisiana, or Arkansas, to be taken from vacant government land, and a certificate to that effect should be given him. These certificates were called scrip.

Q Did any of the ancestors of Isaac J. Jones receive any such scrip from the government under that act of Congress? A Not to my knowledge.

Q So far as you know have any of the Choctaw ancestors of Isaac J. Jones ever received any benefits as Choctaw Indians? A No.

Q Have you any witnesses? A No.

Q Have you any documentary evidence to offer? A No.

Q Do you desire time in which to present additional evidence? A Yes.

You will be allowed thirty days from the date of this application within which to introduce additional evidence in support of the claim which you make for Isaac J. Jones.

Q Does Isaac J. Jones speak the Choctaw language? A No.

Q What is his personal appearance? A He is dark complexioned, high cheek bones, hair not quite so dark as mine.

Isaac J. Jones -----5.

R. B. Eisenberg, being first duly sworn, states on his oath that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on the 20th day of March, 1903, and that the above and foregoing is a full, true, and correct transcript of his stenographic notes of said proceedings taken on said date.

*R. B. Eisenberg*

Subscribed and sworn to before me this 23rd day of April, 1903.

*Charles H. Sawyer*  
Notary Public.

M C R 7165

Muskogee, Indian Territory, July 22, 1903.

S. B. Daven,  
Attorney at Law,  
Muskogee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 18th instant, enclosing power of attorney executed by Isaac J. Jones to Granville Jones, which you offer for filing in the Mississippi Choctaw case of Isaac J. Jones, et al. The same has been filed with the record in this case.

Respectfully,

Commissioner in Charge.



COPY!

M.C.R. 7165

Muskogee, Indian Territory, March 17, 1904.

Granville Jones,

Austin, Texas.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 14, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Willie Cornelius Jones, et al., including Isaac J., Ruth, Camillo, Alfred and Jarrett Jones.

You are further notified that you will be allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

C.R. Breckinridge.

Commissioner in Charge.

Registered.

MOR-7165

COPY.

Muskogee, Indian Territory, January 23, 1906.

Granville Jones,

Austin, Texas.

Dear Sir:

You are hereby notified that the Secretary of the Interior, on January 10, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of March 14, 1904, refusing the applications of the several persons included in the consolidated Mississippi Choctaw case of Willis Cornelius Jones, et al., of which, your application for the identification of your brother, Isaac J. Jones and his minor children, Ruth, Camille, Alfred and Jarrett Jones, as Mississippi Choctaws, is a part.

Respectfully,

SIGNED

*Tams Bixby.*

Commissioner.



RECEIVED - IN-1000

APPROVED - IN-1000

RECEIVED - IN-1000

RECEIVED - IN-1000

RECEIVED - IN-1000

RECEIVED - IN-1000

1998

RECEIVED - IN-1000

RECEIVED - IN-1000

RECEIVED - IN-1000

MISCELLANEOUS

INDEXED	
NO.	1003
DATE	MARCH

Col. M. S.,  
Davies, S. B.,  
Muskegon, I. I.

Encl. petition asking that certain persons be allowed an agent or attorney in fact.

S. B. DAWES,  
ATTORNEY AND COUNSELLOR AT LAW,  
MUSKOGEE, IND. TER.

TO THE HON. COMMISSION TO THE FIVE CIVILIZED TRIBES,

MUSKOGEE, INDIAN TERRITORY.

We beg leave to present herewith a motion and petition asking for an order permitting Isaac J. Jones, of Santa Rosa, DeCopin, Republic of Honduras, and his minor children, to be represented before your Honorable Commission by an Agent or Attorney-in-fact.

Head Case "Willie G. Jones, No. 6755."

Respectfully submitted,

M. S. Gosh & S. B. Dawes  
Attorneys.

Address us at Muskogee, Indian Territory.

TO THE HON. COMMISSION TO THE FIVE CIVILIZED TRIBES,  
MUSKOGEE, INDIAN TERRITORY.

A motion and petition asking the privilege to represent Isaac J. Jones, and minor children, of Santa Rosa, DeCopin, Republic of Honduras, by an Agent or Attorney-in-fact before this Honorable Commission, in an application to be identified as a Mississippi Choctaw.

Your petitioner would most respectfully show, that -

Isaac J. Jones, of Santa Rosa, DeCopin, Republic of Honduras, is a brother of Arthur W. Jones, and a nephew of Willis C. Jones, who have appeared in person before this Commission for the purpose of being identified as Mississippi Choctaws, claiming under Article 14 of the Treaty of 1830, between the United States Government and the Choctaw Nation, known as the Treaty of Dancing Rabbit Creek.

The number of their cases are: Willis C. Jones, No. 6755, and Arthur W. Jones, No. 6756.

Your petitioner further states, that Isaac J. Jones is (at this time) a non-resident of the United States; that he is a practicing physician and surgeon; and that he can not, in the limited time in which he has to appear before the Commission, come in his own proper person.

THEREFORE, your petitioner moves this Honorable Commission for an order permitting the said Isaac J. Jones and his minor children to be represented before this Honorable Commission by an Agent or Attorney-in-fact.

Respectfully submitted,

Isaac J. Jones  
Petitioner.

by Wm. L. Cook & S. B. Danner  
Attorney of record.

Copy of testimony in this case furnished S. E. Doves Apr. 20/04  
See N. W. R. 8782

7165

No. ....

## FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 20 1903

Name Isaac J. Jones.

Age 39. Blood  $\frac{1}{16}$ 

Post Office, Santa Rosa, De Copen, Honduras

Central America.

Father: Alfred Jones. D.

Mother: Jane P. L.

Claims through father

Wife: Maidee Jones w. L.

(no claim for her)

## Children:

Ruth Jones 8.

Camille " 6.

Alfred " 4.

Jarrett " 2.

Application made by Granville  
 Jones for Isaac J. Jones  
 & 4 minor children

Stenographer

R. B. Eisenberg

*Isaac J. Jones, et al*  
DECISION RENDERED.

MAR 14 1904

NOTICE OF DECISION MAILED APPLICANT. MAR 17 1904

NOTICE OF DECISION FORWARDED  
ATTORNEY FOR APPLICANTS. MAR 17 1904

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS. MAR 17 1904

RECORDED  
MAY 31 1904

ACTION APPROVED BY SECRETARY OF INTERIOR.  
JAN 10 1906

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

JAN 23 1906

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT.

JAN 23 1906

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

JAN 23 1906

REFER TO M. C. R. *6000*

Choctaw MCR 7166

Georgia Hanks

MCR 7166

#7166

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T. March 20, 1903.

-----

In the matter of the application of Georgia Hanks for the identification of herself as a Mississippi Choctaw.

Georgia Hanks, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Georgia Hanks.
- Q What is your age? A Twenty-one.
- Q What is your post office address? A Covington, Kentucky.
- Q Were you born in Kentucky? A Yes.
- Q You lived there all your life? A Yes.
- Q What is your father's name? A Jacob Hanks.
- Q Is he living? A Yes.
- Q What is your mother's name? A Florence Hanks.
- Q Is she living? A No.
- Q Through which parent do you claim your Choctaw blood? A My father.
- Q How much Choctaw blood do you claim? A One-eighth.
- Q Has your father, through whom you claim the right to identification, ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States? A Not that I know of.
- Q Through which one of his parents did your father claim his Choctaw blood? A His father.
- Q What was his father's name? A George Hanks.
- Q What was your father's mother's name? A Jemima.
- Q Was she a white woman? A Yes, sir.
- Q She had no Choctaw blood? A No, sir.
- Q Is George Hanks living? A No.
- Q Do you know how old George Hanks would be if now living? A No.
- Q Do you know where George and Jemima Hanks were married? A No.
- Q Through which one of his parents did George Hanks derive his Choctaw blood? A His mother, Lydia.
- Q What was George Hanks' father's name? A Phielding Hanks.
- Q Phielding was a white man? A Yes.
- Q Was Lydia Hanks the daughter of John Harper? A Yes.
- Q Do you know the name of John Harper's wife? A Polly Ann.
- Q You claim through them both? A Yes.
- Q How much Choctaw blood did they possess? A Full Bloods.
- Q Lydia Harper, or Lydia Hanks, your great-grandmother, was married prior to 1830? A Yes, sir.
- Q Are you married? A No, sir.
- Q This application is for yourself, alone? A Yes, sir.
- Q Have you any evidence of the marriage of your parents with you at this time? A Yes, sir.



Georgia Hanks -----2.

Applicant presents certified copy of the marriage certificate between Jacob Hanks and Florence V. Cook, which is filed, marked Exhibit "A", and made a part of the record herein.

- Q Is your name to be found on any of the tribal rolls of the Choctaw Nation in Indian Territory? A Not that I know of.
- Q Did you, or did any one for you, make application to the Choctaw tribal authorities for enrollment as a member of that tribe of Indians? A Not as I know of.
- Q Did you, or did any one for you, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the provisions of act of Congress of June 10, 1896? A I don't know.
- Q Is this the first application of any description you have ever made for citizenship or enrollment in the Choctaw Nation? A Yes, sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the provisions of article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand that article? A Yes, sir.

Article fourteen reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent with six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six-hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Is that the provision of law under which you are claiming the right to identification as a Mississippi Choctaw? A Yes.
- Q Did any of your Choctaw ancestors comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A Not that I know of.
- Q Were any of your Choctaw ancestors living in the old Choctaw Nation in Mississippi and Alabama when this treaty was ratified in 1830? A I don't know.
- Q Were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians at that time? A I don't know.
- Q Did any of your Choctaw ancestors own an improvement at that time in what constituted the old Choctaw Nation in Mississippi and Alabama? A I don't know.
- Q Did any of your Choctaw ancestors remove from the old Choctaw Na-

Georgia Hanks -----3.

tion in Mississippi and Alabama to the Choctaw Nation Indian Territory at the time of the removal of the greater portion of the Choctaw Indians between the years 1833 and 1838? A I don't know.

Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 signify to the Agent in Mississippi at that time an intention to remain in the old Choctaw Nation, take land there and become citizens of the states? A I don't know.

Q Did any of your Choctaw ancestors ever receive or claim any land in Mississippi from the government under the provisions of article fourteen of the treaty of 1830? A I don't know.

In accordance with the provisions of article fourteen of the treaty of 1830 the government directed an Agent in Mississippi at that time to register the names of all those Choctaws who might desire to remain in Mississippi and comply with the provisions of that article. The records of the government show that this agent failed to register and report the names of a great many Choctaws who really did signify to him an intention to remain in the old Choctaw Nation, take land there and become citizens of the states. On this account, in many instances, the lands on which these Indians lived and had improvements and which they desired to have reserved for them were sold by the government at its public land sales, and the Indians deprived of their land. This caused much complaint among the Choctaws and the matter was finally brought to the attention of Congress, and Congress, by acts passed March 3, 1837, and August 23, 1842, appointed Commissions, whose duty it was to go to Mississippi and investigate these claims.

Q Did any of your Choctaw ancestors appear before either of these Commissions appointed in 1837 and in 1842 and attempt to establish their rights under the provisions of article fourteen of the treaty of 1830? A I don't know.

The act of Congress approved August 23, 1842, provided, that in case it should be determined that a Choctaw had finally complied in all respects with the provisions of article fourteen of the treaty of 1830, but that his land had been sold by the government, in that case he should be entitled to select land elsewhere in the states of Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant government land, and that a certificate to that effect should be given him. These certificates were called scrip.

Q Did any of your Choctaw ancestors receive any such scrip from the government under that act of Congress? A I don't know.

Q So far as you know have any of your Choctaw ancestors ever been recognized members of the Choctaw Tribe of Indians? A I don't know.

Q Did any of them ever receive any benefits as such? A I don't know.

Q Have you any witnesses? A No, sir.

Q Have you any documentary evidence to present? A No, sir.

Q Do you desire time in which to present further evidence? A Yes/

Georgia Hanks -----4.

Thirty days time will be allowed you from the date of this application within which to introduce additional evidence in support of your claim.

- Q Do you speak or understand the Choctaw language? A No.  
Q Are there any further statements you wish to make? A No.  
Q Have any of your relatives appeared before the Commission prior to this time? A A cousin of mine, Christopher C. Hanks.

Reference is made to the case of Christopher C. Hanks, M.C.R. #6508, for the purpose of consolidation.

Applicant has the appearance of being a white woman; shows no indication of possessing Choctaw Indian blood; has light complexion, blue eyes, light brown hair; has no knowledge of any compliance on the part of her Choctaw ancestors with the provisions of article fourteen of the treaty of 1830.

R. B. Eisenberg, being first duly sworn, states on his oath that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on the 20th day of March, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings had on said date.

*R. B. Eisenberg*

Subscribed and sworn to before me this 22nd day of May, 1903.

*Charles H. Sawyer*

Notary Public.

M.C.R. 7166.

Muskogee, Indian Territory, November 6, 1903.

Georgia Hanks,

Covington, Kentucky,

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of your application for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Commissioner in Charge.

M C R 7166

Muskogee, Indian Territory, March 17, 1904.

Georgia Hanks,

Covington, Kentucky.

Dear Madam:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which your application for identification as a Mississippi Choctaw was made a part, refusing said application.

This decision is subject to your inspection, and the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision. At the expiration of that time the record will be transmitted, together with such argument and brief as may be submitted by the attorneys and their clients in said consolidated case, to the Secretary of the Interior for his consideration.

Respectfully,

Commissioner in Charge.

Registered

M C R 7166

Muskegee, Indian Territory, June 26, 1905.

GeorgiaHanks,

Covington, Kentucky.

Dear Madam:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 17th day of March, 1904.

Respectfully,

Chairman.

5

No. 7166

## FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 20 1903

Name Georgia Hanks

Age 21.

Blood  $\frac{1}{8}$ 

Post Office, Lexington, Ky.

Father: Jacob Hanks L

Mother: Florence D.

Claims through father

~~Children~~

(Claims for self alone)

Stenographer

R. B. Keimby

*Georgia Hanton*  
DECISION RENDERED.

MAR 4 1904

COPY OF DECISION FORWARDED  
ATTORNEYS FOR CHOCTAW AND  
CHICKASAW NATIONS.

MAR 4 1904

NOTICE OF DECISION MAILED APPLICANT:

MAR 17 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED BY  
SECRETARY OF INTERIOR.

MAR 30 1905

NOTICE OF DEPARTMENTAL  
ACTION MAILED APPLICANT.

JUN 26 1905

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT.

JUN 26 1905

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

REFER TO M. C. R. 5670



Choctaw MCR 7167

Athey Barnes

MCR 7167

#7167

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T. March 20, 1903.

-----  
In the matter of the application of Athey Barnes for the identification of herself as a Mississippi Choctaw.

Athey Barnes, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Athey Barnes.  
Q How old are you? A Twenty-one.  
Q What is your post office address? A Covington, Kentucky.  
Q How long have you lived in Kentucky? A All my life.  
Q Were you born there? A Yes, sir.  
Q What is your father's name? A Jasper Barnes.  
Q Is he living? A Yes, sir.  
Q What is your mother's name? A Nancy Barnes.  
Q Is she living? A No, sir.  
Q Through which one of your parents do you claim your Choctaw blood? A My mother.  
Q How much Choctaw blood do you claim? A One-eighth.  
Q Has your mother, through whom you claim the right to identification, ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States? A No, sir.  
Q Through which one of her parents did your mother derive her Choctaw blood? A Her father.  
Q What was his name? A George Hanks.  
Q What was his wife's name? A Jenima Hanks.  
Q Is she a white woman? A Yes, sir.  
Q Through which one of his parents did George Hanks claim his Choctaw blood? A His mother, Lydia.  
Q And Lydia Hanks was the wife of Philding Hanks and the daughter of John Harper? A Yes, sir.  
Q Then you claim through John Harper and his wife, Polly Ann? A Yes, sir.  
Q Are you married? A No, sir.  
Q This claim is for yourself alone? A Yes.  
Q Is your name to be found on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No.  
Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as a member of that tribe of Indians? A No.  
Q Did you, or did any one for you, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 16, 1896? A No, sir.  
Q Is this the first application of any description that you have ever made for citizenship or enrollment in the Choctaw Nation? A Yes, sir.  
Q You appear before the Commission at this time claiming rights in the Choctaw lands in Indian Territory under the provisions of

Athey Barnes -----2.

article fourteen of the treaty of 1830. A Yes, sir.

Q Do you understand that article? A Yes, sir.

Article fourteen reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months after the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six-hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Is that the provision of law under which you are claiming the right to identification as a Mississippi Choctaw? A Yes.
- Q What is the name of your Choctaw ancestor through whom you claim the right to identification as such? A John Harper and Polly Ann Harper.
- Q Lydia Harper was married to Phileding Hanks prior to 1830 and was the head of a family at that time? A Yes, sir.
- Q How old would your mother be if living now? A Forty-seven.
- Q Do you know when George Hanks and Jemima were married? A No.
- Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A I don't know.
- Q Were any of your Choctaw ancestors living in the old Choctaw Nation in Mississippi and Alabama when this treaty of 1830 was made? A No, sir.
- Q Were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians at that time? A No, sir.
- Q Did any of your Choctaw ancestors own an improvement in what constituted the old Choctaw Nation in 1830? A I don't know.
- Q Did any of your Choctaw ancestors remove from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, at the time of the removal of the greater portion of the Choctaw Indians between the years 1833 and 1838? A I don't know.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 signify to the Agent in Mississippi at that time an intention to remain in the old Choctaw Nation, take land there and become citizens of the states? A I don't know.
- Q Did any of your Choctaw ancestors receive or claim any land from the United States government as Choctaw Indians? A No, sir.

In accordance with the provisions of article fourteen of the treaty of 1830 the government directed an Agent in Mississippi at that time to register the names of all those Choctaws who might desire to remain in Mississippi and comply with the provisions of that article. The records of the government show that this agent failed to register and report the names of a

Athey Branes -----3.

great many Choctaws who really did signify to him their intention to remain in the old Choctaw Nation, take land there and become citizens of the states. On this account, in many instances, the lands on which these Indians lived and had improvements and which they desired to have reserved for them, were sold by the government at its public land sales, and the Indians deprived of their land. This caused much complaint among the Choctaws and the matter was finally brought to the attention of Congress, and Congress, by acts passed March 3, 1837, and August 23, 1842, appointed Commissions whose duty it was to go to Mississippi and investigate these claims.

- Q Did any of your Choctaw ancestors appear before either of these Commissions and attempt to establish their rights under the provisions of article fourteen of the treaty of 1830? A I don't know.

The act of Congress approved August 23, 1842, provided, that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article fourteen of the treaty of 1830, but that his land had been sold by the government, in that case he should be entitled to select land elsewhere in the states of Mississippi, Alabama, Louisiana, or Arkansas, to be taken from vacant government land, and that a certificate to that effect should be given him. These certificates were called scrip.

- Q Did any of your Choctaw ancestors receive any such scrip from the United States government under that act of Congress? A No.  
Q So far as you know were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians? A No, sir.  
Q So far as you know did any of your Choctaw ancestors receive any benefits from the government as Choctaw Indians? A No.  
Q Have you any witnesses? A No, sir.  
Q Have you any documentary evidence to present? A No.  
Q Do you desire time in which to introduce further evidence? A Yes, sir.

You will be allowed thirty days from the date of this application within which to introduce additional evidence in support of your claim.

- Q Do you speak or understand the Choctaw language? A No, sir.  
Q Are there any further statements you wish to make? A No.  
Q Is Georgia Hanks a cousin of yours? A Yes, sir.  
Q You have had other relatives before the Commission? A Yes, sir.  
Q What relation is Christopher C. Hanks to you? A Second cousin.

Reference is made to the case of Christopher C. Hanks, M. C. R. 6508 for the purpose of consolidation.

This applicant has the appearance of being a white person; shows no indication of possessing Choctaw Indian blood; has light complexion, blue eyes, brown hair; has no knowledge of any compliance on the part of her Choctaw ancestors with the provisions of article fourteen of the treaty of 1830.

Athey Barnes -----4.

R. B. Eisenberg, being first duly sworn, states on his oath that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on the 20th day of March, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings had on said date.

*R. B. Eisenberg*

Subscribed and sworn to before me this 22nd day of May, 1903.

*Charles W. Sawyer*

Notary Public.

COMMISSIONERS:  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE,  
W. E. STANLEY.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 7167.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 6, 1903.

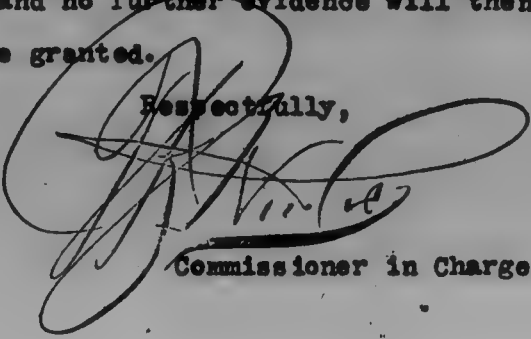
Athey Barnes,

Covington, Kentucky,

Dear Madam:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of your application for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

  
Commissioner in Charge.

M C R 7167

Muskogee, Indian Territory, March 17, 1904.

Athey Barnes,  
Covington, Kentucky.

Dear Madam:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which your application for identification as a Mississippi Choctaw was made a part, refusing said application.

This decision is subject to your inspection, and the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision. At the expiration of that time the record will be transmitted, together with such argument and brief as may be submitted by the applicants and their attorneys, to the Secretary of the Interior for his consideration.

Respectfully,

Commissioner in Charge.

Registered



COMMISSIONERS:  
TAMM BUXEY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

WM. O. BRALL,  
Secretary.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REPLY IN REPLY TO THE FOLLOWING:

M C R 7167

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, June 26, 1905.

Athey Barnes,  
Covington, Kentucky.

Dear Madam:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 17th day of March, 1904.

Respectfully,

  
Chairman.



6

No. 7167

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 20 1903

Name Athey Barnes

Age 21 Blood 1/8

Post Office, Covington Ky.

Father: Jasper Barnes, L.

Mother: Nancy " D.

Claims through mother

~~Children:~~

(Claims for self alone)

Stenographer R. B. Weir

A MISSISSIPPI CHOCTAW

*Athey Barnes*

DECISION RENDERED.

MAR 4 1904

COPY OF DECISION FORWARDED  
ATTORNEYS FOR CHOCTAW AND  
CHICKASAW NATIONS.

MAR 4 1904

NOTICE OF DECISION MAILED APPLICANT. MAR 17 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED BY  
SECRETARY OF INTERIOR.

MAR 3 1905

NOTICE OF DEPARTMENTAL  
ACTION MAILED APPLICANT.

JUN 26 1905

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT.

JUN 26 1905

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

REFER TO M. C. R. 5670

7167  
*File*

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
**FILED**  
DEC 12 1903

6081  
1903

*[Signature]*

CHAIRMAN

COVINGTON  
NOV 9  
10-30A  
1903  
K.V.

RECEIVED  
1

General Office

M. D. R.

Advising that thirty days from date  
will be allowed in which to submit  
further evidence in support of ap-  
plication as a Mississippi Choctaw.

Athey Barnes,

Covington,

Kentucky.

Not in City Directory.



Handwritten text, mostly illegible due to fading and bleed-through. Some words like "Commission" and "Muskogee" are visible.

Not in City Directory.

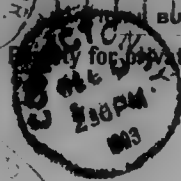
Department of the Interior

Commission to the Five Civilized Tribes,

MUSKOGEE, INDIAN

BUSINESS

Postage for private use, \$3



Covington, Ky.



**FILED**  
**JUL 31 1905**  
COMMUNICATION TO CIVILIAN



Department of the Interior.

Commission to the Five Civilized Tribes,  
MUSKOGEE, IND. TER.

Directory Service

Given by

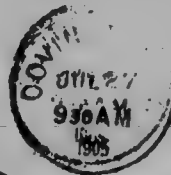
UNCLAIMED



7/167

Athey Barnes,

Covington, Kentucky.



Choctaw MCR 7168

Lucinda Hill

MCR 7168



DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---0---

In the matter of the application of Lucinda Hill, et al.,  
for identification as Mississippi Choctaws, consolidating the ap-  
plications of:

Lucinda Hill,	M.C.R. 7168
Mollie Murphy, et al.,	M.C.R. 7171
Margaret Murphy,	M.C.R. 7180
Isaiah Hill,	M.C.R. 7172
Albert Hill, et al.,	M.C.R. 7174
Allen M. Hill, et al.,	M.C.R. 7179
Lee Hill,	M.C.R. 7178
Ella Traylor, et al.,	M.C.R. 7178

List of papers forwarded to the Secretary of the Interior  
comprising the record in the above consolidated case.

	(Page)
Original application of Lucinda Hill, to the Dawes Commission for identification as a Mississippi Choctaw-----	1
Affidavit of Solomon C. Car-----	7
Affidavit of M. E. Majors-----	8
Certificate of S. M. Taylor, M.D.-----	9
Certificate of John F. Cooley-----	10
Original application of Mollie Murphy, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	11

Certified copy of the marriage record of H. L. Murphy and Mollie Hill-----	15
Original application of Margaret Murphy, to the Dawes Commission for identification as a Mississippi Choctaw-----	16
Original application of Isaiah Hill to the Dawes Commission for identification as a Mississippi Choctaw-----	20
Original application of Albert Hill, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	24
Certified copy of the marriage record of A. W. Hill And Laura Deshage-----	28
Original application of Allen M. Hill, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	29
Certified copy of the marriage record of A. M. Hill and Mollie E. Smith-----	33
Original application of Lee Hill to the Dawes Commission for identification as a Mississippi Choctaw-----	34
Original application of Ella Traylor, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	38
Certificate of O. M. Tabb-----	42
Affidavit of H. L. Murphy-----	43
Decision of the Commission refusing the applications in the consolidated case of Lucinda Hill, et al., for identification as Mississippi Choctaws-----	44

#7168

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T., March 20, 1903.

In the matter of the application of Lucinda Hill for the identification of herself as a Mississippi Choctaw.

Lucinda Hill, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Lucinda Hill.  
Q What is your age? A 70.  
Q What is your post office address? A Monticello, Texas.  
Q How long have you lived in Texas? A I come here in 1852.  
Q Where did you live before that? A I lived in Arkansas.  
Q Were you born in Arkansas? A No, sir, in Mississippi.  
Q What part of Mississippi? A Yalo Busha County.  
Q How long did you live there? A I could not tell you.  
Q What is your father's name? A Henry McCullars.  
Q Is he living? A No, sir.  
Q What is your mother's name? A Rebecca McCullars.  
Q Is she living? A No, sir.  
Q Through which parent do you claim your Choctaw blood? A My father.  
Q How much Choctaw blood did he have? A My grandmother, Thomas, was a full blood.  
Q Through which one of his parents did your father derive his Choctaw blood? A His mother.  
Q What was his father's name? A Debbie Thomas.  
Q Was that her maiden name? A Yes.  
Q What was her husband's name? A David McCullars.  
Q How much Choctaw blood did Debbie Thomas have? A One-half.  
Q Then you claim 1/8? A Yes, sir.  
Q Through which one of her parents did Debbie Thomas claim? A Her mother.  
Q What was her name? A I don't know.  
Q You are not able to trace your ancestry any further back than Debbie Thomas, your grandmother? A No, sir.  
Q Has your father, through whom you claim your right to identification ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States? A No, sir, not that I know of.  
Q When were your father and mother married? A I could not tell you.  
Q Did you have any older brothers or sisters? A Yes.  
Q Then your father and mother were married prior to 1830? A Yes.  
Q Have you any evidence of that marriage with you? A No.

It will be necessary that you furnish the Commission with evidence of the marriage of your father and mother in support of this claim which you now make for identification as a Mississippi Choctaw.

Lucinda Hill, -----2.

- Q Are you married? A I was.
- Q Are you a widow? A Yes, sir.
- Q Have you any minor children? A No.
- Q Is this application for yourself alone? A Yes.
- Q Is your name to be found on any of the tribal rolls of the Choctaw Nation in Indian Territory? A I don't know.
- Q Did you ever make application to the Choctaw tribal authorities to be enrolled as a member of that tribe of Indians? A No, sir.
- Q Did you, or did any one for you, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1906? A I don't know.
- Q Is this the first application of any description that has ever been made for or by you for citizenship in the Choctaw Nation? A Yes.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the provisions of article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand article fourteen? A Yes, sir.
- Q Article fourteen reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six-hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Is that the provision of law under which you are claiming the right to identification as a Mississippi Choctaw? A Yes, sir.
- Q What is the name of your Choctaw ancestor through whom you claim the right to identification, who was living in Mississippi in 1830 and the head of a family there at that time? A Henry McCullars.
- Q Was Henry McCullars a recognized member of the Choctaw tribe of Indians at that time? A He said he was.
- Q Did he comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A Not that I know of.
- Q Was Henry McCullars living in the old Choctaw Nation in Mississippi and Alabama at that time? A I think so.
- Q Do you know where? A In Randolph County, Alabama.
- Q Was he born in Alabama? A In Mississippi.
- Q In what county? A I think Yale Busha County.
- Q Then he moved to Arkansas? A He started on his way to the Choctaw Nation and died in Arkansas.

Lucinda Hill -----3.

- Q Did he own an improvement in the year 1830 when this treaty was made? A I don't know.
- Q Did Henry McCullars remove from the old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation, Indian Territory, at the time of the removal of the greater portion of the Choctaw Indians between the years 1833 and 1838? A I don't know.
- Q When did your father leave Mississippi and start for Indian Territory? A I don't know. I think it was about '45.
- Q You were about 15 years old then? A No, about 12.
- Q Did he remove at the time the Choctaw Indians removed from Mississippi to Indian Territory at the expense of the United States government? A I could not say, but I think he was.
- Q Did Henry McCullars within six months after the ratification of the treaty of 1830, signify to the Agent an intention to remain in the old Choctaw Nation, take land there and become a citizen of the states? A Not that I know of.
- Q You never heard you father say that he went to the government agent there and tried to get land under article fourteen of the treaty of 1830? A No, sir.
- Q Did Henry McCullars ever claim or receive any land in Mississippi from the government under the provisions of article fourteen of the treaty of 1830? A Not that I know of.

In accordance with the provisions of article fourteen of the treaty of 1830, the government directed an Agent in Mississippi to register the names of all those Choctaws who might desire to remain in the old Choctaw Nation and comply with the provisions of that article. The records of the government show that this agent failed to register the names of a great many Choctaws who really did signify to him their intention to remain in the old Choctaw Nation, take land there and become citizens of the states. On this account, in many instances, the lands on which these Indians lived and had improvements, and which they desired to have reserved for them, were sold by the government at its public land sales, and the Indians deprived of their land. This caused much complaint among the Choctaws and the matter was finally brought to the attention of Congress, and Congress, by acts passed March 3, 1837 and August 23, 1842, appointed Commissions whose duty it was to go to Mississippi and investigate the claims of these Choctaws.

- Q Did Henry McCullars appear before either of these Commissions appointed in 1837 and in 1842 and attempt to establish his rights under the provisions of article fourteen of the treaty of 1830? A I don't know.
- Q If he had done so you would have known it? A I think so.

The act of Congress approved August 23, 1842, provided, that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article fourteen of the treaty of 1830, but that his land had been sold by the government, he should be entitled to select land elsewhere in the states of Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant government land, and that a certificate to that effect should be given him. These certificates were called scrip.

- Q Did any of your Choctaw ancestors ever receive any such scrip from the government under that act of Congress? A No.

Lucinda Hill -----4.

- Q So far as you know have any of your Choctaw ancestors ever been recognized members of the Choctaw tribe of Indians? A I don't know.
- Q So far as you know have any of your Choctaw ancestors ever received any benefits from the United States government as Choctaw Indians? A I don't know.
- Q Have you any witnesses? A Yes, I have one.
- Q Have you any documentary evidence to present? A No, sir.
- Q Can you speak or understand the Choctaw language? A No.
- Q Do you desire time in which to present further evidence? A Yes.

You will be allowed thirty days from the date of this application within which to introduce further testimony in support of your claim.

- Q Are there any further statements you wish to make? A No, sir.
- Q Have you any children living who are ever age and married? A Yes.
- Q What is the name of the oldest? A Debbie Hill.
- Q What is her husband's name? A Stewart.
- Q Have they any children? A Yes, George and Mattie.
- Q Is George married? A No.
- Q Is Mattie married? A Yes.
- Q What is your husband's name? A Van Horn.
- Q Have they any children? A One.
- Q What is its name? A Vernon.
- Q What is the name of your next child? A Isaiah.
- Q Is Isaiah married? A No.
- Q What is the name of your next child? A Mollie.
- Q What is her husband's name? A Murphy.
- Q Have they any children? A Eight.
- Q She is here to make application herself? A Yes, sir.
- Q What is the name of the next child? A Albert.
- Q He is here to make application? A Yes, sir.
- Q What is the name of the next child? A Munroe.
- Q Is Munroe here? A Yes, sir.
- Q What is the next child? A Lee.
- Q Is she here? A Yes, sir.
- Q What is the name of the next? A Ella Traylor.
- Q Is she here? A Yes, sir.

Applicant has the appearance of being a white woman; is dark complected, dark brown eyes, brown hair; know knowledge of any compliance on the part of her Choctaw ancestors with the provisions of article fourteen of the treaty of 1830?

-----

John Van Horn, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A John VanHorn.
- Q What is your age? A 60.
- Q What is your post office address? A Mason, Texas.
- Q How long have you lived in Texas? A Three years.
- Q Where did you live before that? A In Arkansas.



Lucinda Hill -----5.

- Q Were you born in Arkansas? A No, sir, In Missouri.  
Q How long did you live in Missouri? A Until I was 10 or 12 years old.  
Q Then did you remove from Missouri to Arkansas? A Yes.  
Q Are you acquainted with the applicant, Lucinda Hill? A Yes.  
Q How long have you known her? A Three years.  
Q Where did you become acquainted? A In Texas.  
Q Did you ever know her prior to that time? A No, sir.  
Q Up to three years ago you had no acquaintance with Lucinda Hill? A No.  
Q What do you know about Lucinda Hill having Choctaw blood? A I am acquainted by my stepmother.  
Q You say the name of applicant's father is Henry McCullars? A Yes.  
Q Where did you meet him? A In Arkansas.  
Q How old were you about that time? A 10 or 11 years.  
Q How did you become acquainted with Henry McCullars? A When he was passing the house he stopped to get something to eat; he was just travelling through that country and made my step-father's house a stopping place. Hutchinson was my stepfather's name.  
Q How many times did you see Henry McCullars at your step-father's house? A Two times.  
Q You were 12 years old then? A No, sir, 10.  
Q Do you remember Henry McCullars? A Yes.  
Q Do you remember him distinctly? A Yes.  
Q How old was he when you knew him? A He was a young man.  
Q Was he married then? A I don't recollect.  
Q Who was with him when he stopped at your step-father's house? A He was with his father.  
Q What was his father's name? A Dave.  
Q What was his mother's name? A Debbie, I heard.  
Q And Dave McCullars and Henry McCullars came to your step-father's house together? A Yes.  
Q Were there any other members in the party? A No.  
Q And that was about the year 1854? A Yes, sir.  
Q Do you know whether Henry McCullars had any Choctaw blood? A No, sir.  
Q You don't know whether any of the Choctaw ancestors of this applicant complied or attempted to comply with article fourteen of the treaty of 1830? A No, sir.  
Q You heard that article read? A Yes, sir.  
Q Do you know whether any of the ancestors of Lucinda Hill ever received any land in Mississippi in 1830? A No, sir.

Lucinda Hill re-called.

By the Commission:

- Q Do you remember where your father was born? A In Mississippi.  
Q Do you know how old he was when he left Mississippi to come to Arkansas? A No, I don't; he was 67 the last time I saw him.  
Q At the time he left Mississippi to come to Arkansas did he bring his family with him? A No, sir, he left his children there.  
Q And you think it was about 1845 he left Mississippi to come to Arkansas? A Yes, sir.  
Q I think you said you were about 15 years old? A Yes, sir.  
Q After your father left Mississippi to come to Arkansas did he return to Mississippi again? A I don't know. I heard he went back.  
Q After he went to Arkansas when you were 13 or 14 years old, did

Lucinda Hill -----6.

you see him again? A Yes, sir.

Q Where? A In St. Francis County, Arkansas.

Q That was about two years later? A Yes.

Q How long after that until he died? A About 7 or 8 years.

Q Then he was about 75 or 80? A Yes, sir.

Applicant has the appearance of being a white person; shows no indication of possessing Choctaw blood; does not speak the Choctaw language, and has no knowledge of any compliance on the part of her Choctaw ancestors with the provisions of article fourteen of the treaty of 1830.

R. B. Eisenberg, being first duly sworn, states on his oath that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the proceedings had in the above entitled cause on the 20th day of March, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings taken on said date.

*R. B. Eisenberg*

Subscribed and sworn to before me this 13th day of May, 1903.

*Charles H. Sawyer*

Notary Public.



140  
COPY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---0---

In the matter of the application of Lucinda Hill, et al.,  
for identification as Mississippi Choctaws, consolidating the ap-  
plications of:

Lucinda Hill,	M.C.R. 7168
Mollie Murphy, et al.,	M.C.R. 7171
Margaret Murphy,	M.C.R. 7180
Isaiah Hill,	M.C.R. 7172
Albert Hill, et al.	M.C.R. 7174
Allen M. Hill, et al.,	M.C.R. 7179
Lee Hill,	M.C.R. 7175
Ella Trayler, et al.,	M.C.R. 7178

---: D E C I S I O N :---

It appears from the record herein that applications for  
identification as Mississippi Choctaws were made to this Commission  
by Lucinda Hill for herself; by Mollie Murphy for herself and her  
five minor children, Bess, Pearl, Attie, Clifford and Anderson  
Murphy; by Margaret Murphy for herself; by Isaiah Hill for himself;  
by Albert Hill for himself and his eight minor children, George W.,  
Dennie, Lodie, Allie, John, Gladie, Eva May and Bessie Hill; by  
Allen M. Hill for himself and his three minor children, Tom, Mennie,  
and Wendie Hill; by Lee Hill for himself; and by Ella Trayler for  
herself and her two minor children, William and Mollie Trayler,

under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Debbie (or Debby) McCullars, nee Thomas, who is alleged to have been a Choctaw Indian, degree of blood not positively stated.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Debbie (or Debby) McCullars, nee Thomas, or an ancestor less remote signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or pre-

ented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lucinda Hill, Mollie Murphy, Rosa Murphy, Pearl Murphy, Attie Murphy, Clifford Murphy, Anderson Murphy, Margaret Murphy, Isaiah Hill, Albert Hill, George W. Hill, Bennie Hill, Ludie Hill, Allie Hill, John Hill, Claudie Hill, Eva May Hill, Bessie Hill, Allen M. Hill, Tom Hill, Nannie Hill, Maudie Hill, Lee Hill, Ella Traylor, Tillman Traylor and Lillie Traylor, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)  
Jams Bixby.  
Chairman.

(SIGNED)  
I. B. Needles,  
COMMISSIONER.

(SIGNED)  
C. R. Breckinridge.  
COMMISSIONER.

Muskogee, Indian Territory,

AUG 1 1903

(SIGNED)  
W. E. Stanley.  
COMMISSIONER.

M C R 7168

Muskogee, Indian Territory, April 13, 1903.

Lucinda Hill,

Monticello, Texas.

Dear Madam:

Receipt is hereby acknowledged of the affidavit of Salmon C. Car, physician's certificate of S. M. Tayler, and certificate of John F. Cooley, Justice of the Peace, offered in support of your application for identification as a Mississippi Choctaw. Said documents have been filed with the record in your case.

Respectfully,

Chairman.

M C R 7168

Muskogee, Indian Territory, April 13, 1903.

Lucinda Hill,

Monticello, Texas.

Dear Madam:

Receipt is hereby acknowledged of the affidavit of M. H. Majors relative to the marriage of G. W. Hill and Lucinda McCullar, offered in support of the application made by you for the identification of yourself as a Mississippi Choctaw. Said affidavit has been filed with the record in your case.

Respectfully,

Chairman.

M C R 7168

Muskogee, Indian Territory, May 14, 1903.

Lucinda Hill,  
Monticello, Texas.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 11th instant, in which you ask if you can introduce another witness in support of your claim, and if it will be necessary for you to employ an attorney to represent you.

In reply you are informed that it appears from our records that you made application to this Commission for identification as a Mississippi Choctaw. Up to the present time the Commission has not rendered any decision relative to your right to such identification. As soon as a decision is rendered you will be notified of the action of the Commission.

If you desire to introduce witnesses in support of your application their testimony will be heard at the office of the Commission at Muskogee, Indian Territory. The Commission cannot advise you relative to the employment of an attorney, as that is a matter entirely within the discretion of the applicant.

Respectfully,

Commissioner in Charge.

M O R 7168

Muskogee, Indian Territory, August 1, 1903.

Lucinda Hill,

Monticello, Texas.

Dear Madam:

Receipt is hereby acknowledged of your letter, without date, in which you ask when your case will be passed upon, and in the event you are identified, when you will have to remove to Indian Territory.

In reply you are informed that it appears from our records that you made application to this Commission for identification as a Mississippi. Up to the present time the Commission has not rendered any decision relative to your right to such identification. As soon as a decision is rendered you will be duly notified thereof.

All duly identified Mississippi Choctaws will be allowed six months from the date of their identification within which to remove to and make settlement within the Choctaw-Chickasaw country.

Respectfully,

Commissioner in Charge.

COPY.

M.C.R. 7168

Muskogee, Indian Territory, August 1, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 1st day of August, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lucinda Hill, et al., embracing the following applications for identification as Mississippi Choctaws:

Lucinda Hill,	M.C.R. 7168
Mollie Murphy, et al.,	" 7171
Margaret Murphy,	" 7180
Isaiah Hill,	" 7172
Albert Hill, et al.,	" 7174
Allen M. Hill, et al.,	" 7179
Lee Hill,	" 7176
Ella Traylor, et al.,	" 7178

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lucinda Hill, Mollie Murphy, Rosa Murphy, Pearl Murphy, Attie Murphy, Clifford Murphy, Anderson Murphy, Margaret Murphy, Isaiah Hill, Albert Hill, George W. Hill, Bennie Hill, Lodie Hill, Allie Hill, John Hill, Claudie Hill, Eva May Hill, Bessie Hill, Allen M. Hill, Tom Hill, Mennie Hill, Maudie Hill, Lee Hill, Ella Traylor, Tillman Traylor and Lillie Traylor, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said act, to fourteen of the treaty



eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*T. B. Needles.*

Commissioner in Charge.

COPY.

Muskogee, Indian Territory, August 1, 1903.

Lucinda Hill,

Monticello, Texas.

Dear Madam:

You are hereby advised that on the 1st day of August, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lucinda Hill, et al., embracing the following applications for identification as Mississippi Choctaws:

Lucinda Hill,	M.C.R. 7168
Mollie Murphy, et al.,	" 7171
Margaret Murphy,	" 7180
Isaiah Hill,	" 7172
Albert Hill, et al.,	" 7174
Allen M. Hill, et al.,	" 7179
Lee Hill,	" 7175
Ella Traylor, et al.,	" 7176

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lucinda Hill, Nellie Murphy, Rosa Murphy, Pearl Murphy, Allen Murphy, Clifford Murphy, Anderson Murphy, Margaret Murphy, Isaiah Hill, Albert Hill, George W. Hill, Bennie Hill, Emma Hill, Allie Hill, John Hill, Claude Hill, Eva May Hill, Bessie Hill, Allen M. Hill, Tom Hill, Bannie Hill, Maudie Hill, Lee Hill, Ella Traylor, Tillman Traylor and Lillie Traylor, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*T. B. Needles.*  
Commissioner in Charge.

Registered.

M C R 7168

Muskegee, Indian Territory, August 15, 1903.

Lucinda Hill,  
Monticello, Texas.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 12th instant, in which you state that you are unable to obtain any more proof in support of your application for identification as a Mississippi Choctaw.

In reply you are informed that it appears from our records that on August 1, 1903, the Commission rendered its decision refusing the several applications included in the consolidated Mississippi Choctaw case of Lucinda Hill, et al., and on the same date the several applicants included therein were notified that they would be allowed fifteen days from the date of said decision within which to file arguments in support of their claims to be forwarded to the Secretary of the Interior.

The fifteen days heretofore granted in this case will expire on August 16, 1903, and on August 17, 1903, the record in the consolidated Mississippi Choctaw case of Lucinda Hill, et al., together with such arguments as may be offered in support thereof, will be forwarded to the Secretary of the Interior. The several

L. H. 2

applicants will be duly notified of such action as may be taken  
by him.

Commissioner in Charge.

COPY.

Muskogee, Indian Territory, August 17, 1903.

The Honorable

The Secretary of the Interior,

Sir:

There is transmitted herewith the record in the consolidated case of Lucinda Hill, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of August 1, 1903.

The above consolidated case embraces the following original applications heard by the Commission:

Lucinda Hill	M C R 7168
Nollie Murphy, et al.,	M C R 7171
Margaret Murphy,	M C R 7180
Isaiah Hill,	M C R 7172
Albert Hill, et al.,	M C R 7174
Allen M. Hill, et al.,	M C R 7179
Lee Hill,	M C R 7178
Ella Traylor, et al.,	M C R 7178

The Commission has the honor to report that the principal applicants in the several separate applications, and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(S.D.)

*T. B. Needles.*

Commissioner in Charge.

Through the  
Commissioner of Indian Affairs.  
2 enclosures M C R 7168

(COPY).

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, November 4, 1903.

Land.  
53569-1903.

The Honorable,

The Secretary of the Interior.

Sir:-

There is transmitted herewith for your consideration the record of the Commission to the Five Civilized Tribes in the matter of the consolidated application for identification as Mississippi Choctaws of the following:

Lucinda Hill for herself,

Mollie Murphy for herself and her five minor children:

Rosa, Pearl, Attie, Clifford, and Anderson Murphy,

Margaret Murphy for herself,

Isaiah Hill for himself,

Albert Hill for himself and his eight minor children:

George W., Bennie, Ludie, Allie, John, Claudie,

Eva May, and Bessie Hill,

Allen M. Hill for himself and his three minor children:

Tom, Mannie and Maudie.

Ella Traylor for herself and her two minor children:

Tillman and Lillie Traylor,

wherein a decision adverse to the applicants was rendered by the Commission August 1, 1903.

The testimony in this case shows that the applicants base their claim to identification on their descent from Debbie (or Debby) McCullars, nee Thomas, who is alleged to have been a Choctaw Indian and a resident in Mississippi at the date of the making of the Choctaw Treaty of 1830.

The Commission rejected the applicants because the name of the ancestor thorough whom they claim does not appear on their records among the names of those who complied or attempted to comply with the provisions of the 14th article of the Treaty of 1830, and for additional reason that the applicants have never been enrolled as citizens of the Choctaw Nation.

An examination of the records of this office has been made with reference to the name of Debbie (or Debby) McCullars nee Thomas, and it is discovered that her name does not appear among the names of those who complied or attempted to comply with the provisions of said article and treaty. Neither does it appear that she applied to the Commissions appointed under acts of Congress approved March 3, 1837 and August 23, 1842 for an adjudication of her rights, if any she had, as a Choctaw Indian. It is therefore respectfully recommended that the decision of the Commission rejecting the applicants be approved.

Very respectfully,

W. A. Jones,

Commissioner.

C.T.C. (C).



(COPY).

W.C.F.  
F.H.E.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, November 21, 1903.

D.C. 32812.  
I.T.D. 7928-1903.  
L.R.S.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

August 17, 1903, you transmitted the consolidated case involving the applications for identification as Mississippi Choctaws of Lucinda Hill (M.C.R. 71-8), for herself; of Nellie Murphy for herself and her five minor children, Rosa, Pearl, Attie, Clifford and Anderson Murphy; of Margaret Murphy for herself; of Isaiah Hill for himself; of Albert Hill for himself and his eight minor children, George W., Bennie, Ludie, Allie, John, Claudie, Eva May and Beasie Hill; of Allen M. Hill for himself and his three minor children, Tom, Nannie, and Maudie Hill; of Lee Hill for himself; and of Ella Traylor for herself and her two minor children, Tillman and Lillie Traylor, including your decision of August 1, 1903, refusing to identify them as such.

The applicants base their claim to a right to identification as Mississippi Choctaws on their descent from Debbie (or Debby) McCullars, nee Thomas, through her son, Henry McCullars, father of the principal applicant, Lucinda Hill.

You rejected the applicants for the reason that the testimony and evidence offered in support of their application, and the records in your possession, fail to show that said Debbie (or Debby) McCullars, nee Thomas, or any ancestor less remote, signified to Col. William Ward, United States Indian Agent, Choctaw Agency, an intention to comply with the provisions of article 14 of the Choctaw treaty of 1830, or took advantage of the subsequent acts of Congress relating thereto.

Reporting in the matter November 4, 1903, the Commissioner of Indian Affairs states that the records of the Indian Office fail to show that the name <sup>of</sup> Debbie (or Debby) McCullars nee Thomas appears among those who complied or attempted to comply with the provisions of said article or acts, and recommends that your decision rejecting the applicants be approved. A copy of his letter is inclosed.

An examination of a list of names of Choctaws who received benefits under article 14 of the Choctaw treaty of 1830, which was prepared by the Indian Office and furnished <sup>to</sup> the Department, fails to show that the said Debbie (or Debby) McCullars nee Thomas, or Henry McCullars, complied or attempted to comply with the provisions of said article or acts. The Department therefore concurs in the recommendation of the Commission, and your decision is accordingly affirmed.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

COPY.

M.C.R. 7168.

Muskogee, Indian Territory, December 3, 1903.

Lucinda Hill,  
Monticello, Texas.

Dear Madam:

You are hereby notified that on the 21st day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lucinda Hill et al., of which decision you were advised by registered mail on the 1st day of August, 1903.

Respectfully,

(S. 112)

*Tamie Bixby.*  
Chairman.

M.C.R. 7168.

COPY.

Muskogee, Indian Territory, December 8, 1903.

Wansfield, McMurray & Gornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 31st day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lucinda Hill et al., of which decision you were advised by mail on the 1st day of August, 1903.

Respectfully,

(SIGNED)

*Tame Birby.*  
Chairman.

REFER TO M.O.R. 7168

*Lucinda Hill*

*and Cases in Consolidation*

Debbie Thomas - full or 1/2 - D.  
 Married  
 David McCallars - D - W.

Henry McCallars - D - 1/4  
 wife  
 Rebecca McCallars - D - W.

7168  
 Lucinda Hill - 70 - 1/8  
 husband  
 George Hill - D - W.

7171  
 Mollie Hill - 45 - Don't know  
 married  
 Henry Murphy - L - W.

7171  
 Rosa Murphy 16  
 Pearl " 14  
 Attie " 12  
 Clifford " 10  
 Anderson " 7  
 7180  
 Margaret Murphy - 22 - Don't know

7172  
 Isaiah Hill - 44 - Don't know

7174  
 Albert Hill - 42 - Don't know  
 wife  
 Laura Hill - L - W.

7174  
 George W. Hill 15  
 Bernice " 13  
 Lu die " 11  
 allie " 8  
 John " 6  
 Claudie " 6  
 Eva May " 3  
 Bessie " 1

7179  
 Allen M. Hill - 37 - Don't know  
 wife  
 Mollie Hill - L - W.

7179  
 Tom Hill 7  
 Namie " 4  
 Maudie " 3

7175  
 Lee Hill - 32 - Don't know

7178  
 Ella Hill - 30 - Don't know  
 married  
 Tom Traylor - L - W.

7178  
 Tillman Traylor 11  
 Lillie " 9

No. 7168

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 20 1903

Name *Lucinda Hill*

Age 70 Blood  $\frac{1}{8}$

Post Office, *Monticello, Texas.*

Father: *Henry McCullars D.*

Mother: *Rebecca D.*

Claims through *father*

~~Children~~

*(Claims for self alone)*

Stenographer

*R. B. [Signature]*

A MISSISSIPPI CHOCTAW.

Lucinda Hill

RECEIVED

RECEIVED.

RECEIVED

RECEIVED

AUG 17 1903

RECEIVED

AUG 17 1903

RECEIVED

AUG 17 1903

ACTION

RECEIVED

RECEIVED

RECEIVED

DEC 5 1903

RECEIVED

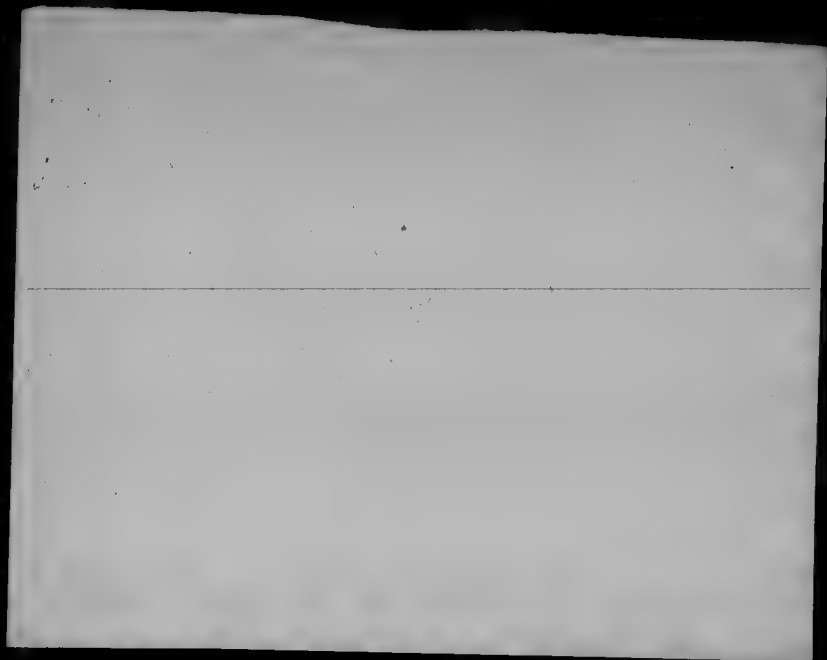
RECEIVED

RECEIVED

REFER TO M. C. R. 7171-7180-717

7174-7179-7175-7178





Choctaw MCR 7169

Sarah Chambers

MCR 7169

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Muskogee, I. T. March 20, 1903.

-----

In the matter of the application of Sarah Chambers for the identification of herself as a Mississippi Choctaw.

Sarah Chambers, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Sarah Chambers.  
Q How old are you? A Twenty-eight.  
Q What is your post office address? A Orofino, Idaho.  
Q How long have you lived in Idaho? A Two years.  
Q Where did you live before that? A In Wisconsin.  
Q Where were you born? A In Kentucky.  
Q What is your father's name? A John Bush.  
Q Is he living? A No.  
Q What is your mother's name? A Amanda Bush.  
Q Is she living? A Yes, sir.  
Q Through which parent do you claim your Choctaw blood? A My mother.  
Q How much Choctaw blood do you claim? A One-sixteenth.  
Q Has your mother, through whom you claim the right to identification, ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or by the authorities of the United States? A I don't know.  
Q How old is your mother at this time? A About fifty.  
Q Through which one of her parents does your mother claim her Choctaw blood? A Her mother.  
Q What is her name? A Minerva Puckett.  
Q Your mother claims her Choctaw blood through her mother, Minerva Puckett? A Yes, sir.  
Q What was your mother's father's name? A William Puckett.  
Q Was he a white man? A Yes, sir.  
Q He had no Choctaw blood? A No.  
Q Is Minerva Puckett living? A No.  
Q Do you know how old she would be if living now? A No.  
Q Through whom did she claim? A Her mother.  
Q What was her name? A Susan Townsend.  
Q What was the name of Susan Townsend's husband? A James Townsend.  
Q Susan Townsend is your great-grandmother? A Yes, sir.  
Q Do you know when William Puckett and Minerva Puckett were married? A No.  
Q Were they married prior to 1830? A I don't know.  
Q Did your mother have any older brothers or sisters? A I think she did.  
Q Do you know how much older? A No.  
Q Are you married? A Yes, sir.  
Q What is your husband's name? A Elijah R. Chambers.  
Q Is he living? A Yes, sir.  
Q Is he a white man? A Yes.  
Q He has no Choctaw blood? A No.  
Q You make no claim for him? A No.

Sarah Chambers -----2.

- Q Have you any minor children for whom you wish to make application? A No.
- Q This application is for yourself, alone? A Yes, sir.
- Q Is your name to be found on any of the tribal rolls of the Choctaw Nation in Indian Territory? A I don't know.
- Q Did you ever make application to the Choctaw tribal authorities to be enrolled as a member of that tribe? A No.
- Q Did you make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No, sir.
- Q This is the first application for citizenship or enrollment in the Choctaw Nation you have ever made? A Yes, sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the provisions of article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand that article? A Yes, sir.

Article fourteen reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six-hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Is that the provision of law under which you are claiming the right to identification? A Yes, sir.
- Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A I don't know.
- Q Were any of your Choctaw ancestors living in the old Choctaw Nation when this treaty of 1830 was ratified and the heads of families there at that time? A I don't know.
- Q Were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians at that time? A I could not say.
- Q Did any of your Choctaw ancestors own an improvement in 1830 in what constituted the old Choctaw Nation in Mississippi? A I don't know.
- Q Did any of your Choctaw ancestors remove from that old Choctaw Nation in Mississippi to the Choctaw Nation, Indian Territory, at the time of the removal of the greater portion of the Choctaw Indians between the years 1833 and 1838? A I don't know.
- Q Did any of your Choctaw ancestors, within six months after the ratification of the treaty of 1830 go to the Indian Agent in Mississippi at that time and signify to him their intention to re-

Sarah Chambers -----3.

main in the old Choctaw Nation, take land and become citizens of the states? A I don't know.

Q Did any of your Choctaw ancestors ever claim or receive any land in Mississippi under the provisions of article fourteen of the treaty of 1830? A No.

In accordance with the provisions of article fourteen of the treaty of 1830, the government directed an Agent in Mississippi to register the names of those Choctaws who might desire to remain in the old Choctaw Nation and comply with the provisions of article fourteen of that treaty. The records of the government show that this Agent failed to register and report the names of a great many Choctaws who really did signify to him their intention to remain in the old Choctaw Nation, take land there and become citizens of the states. On this account, in many instances, the lands on which these Indians lived and had improvements and which they desired to have reserved for them, were sold by the government at its public land sales. This caused much complaint among the Choctaws and the matter was finally brought to the attention of Congress, and Congress, by acts passed March 3, 1837 and August 23, 1842, appointed Commissions whose duty it was to go to Mississippi and investigate these claims.

Q Did any of your Choctaw ancestors appear before either of these Commissions appointed in 1837 and in 1842 and attempt to establish their rights under the provisions of article fourteen of the treaty of 1830? A I don't know.

The act of Congress approved August 23, 1842, provided, that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article fourteen of the treaty of 1830, but that his land had been sold by the government, he should be entitled to select land elsewhere in the states of Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant government land, and that a certificate to that effect should be given him. These certificates were called scrip.

Q Did any of your Choctaw ancestors receive any such scrip from the government under this act of Congress? A I don't know.

Q So far as you know have any of your Choctaw ancestors ever been recognized members of the Choctaw tribe of Indians? A No.

Q Did any of them ever receive any benefits as Choctaw Indians? A I don't know.

Q Have you any witnesses? A No.

Q Have you any documentary evidence to offer? A No.

Q Do you desire time in which to present further evidence? A Yes.

You will be allowed thirty days from the date of this application within which to introduce additional evidence in support of your claim.

Q Do you speak or understand the Choctaw language? A No, sir.

Q Several of your relatives have appeared before the Commission and made application? A Yes, sir.

Q What relation is Mary Davis to you? A Sister.

Q Do you desire to have your case considered with hers? A Yes.

The case of Mary Davis M.C.R. \_\_\_\_\_ is here referred to for the purpose of consolidation.

Sarah Chambers -----4

Q Are there any further statements you desire to make? A No.

Applicant has the appearance of being a white person; dark complected, brown eyes, black hair; does not speak the Choctaw language, and has no knowledge of any compliance on the part of her Choctaw ancestors with the provisions of article fourteen of the treaty of 1830.

R. B. Eisenberg, being first duly sworn, states on his oath that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on the 20th day of March, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

*R. B. Eisenberg*

Subscribed and sworn to before me this 2nd day of May, 1903.

*Charles H. Sawyer*

Notary Public.

M.C.R. 7169

Muskegee, Indian Territory, November 11, 1903.

Sarah Chambers,  
Orefine, Idaho.

Dear Madam:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of your application for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.



M.C.R. 7169

COPY.

Muskogee, Indian Territory, September 16, 1904.

Sarah Chambers,

Orofino, Idaho.

Dear Madam:

You are hereby notified that the Commission to the Five Civilized Tribes, on September 16, 1904, rendered its decision refusing your application for identification as a Mississippi Choctaw.

You are further advised that you will be allowed fifteen days from the date of this notice, within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*Tame Bixby.*

Chairman.

Registered.



NOR-7169.

Muskogee, Indian Territory, October 5, 1906.

Sarah Chambers,  
Orofino, Idaho.

Dear Madam:

You are hereby notified that the Secretary of the Interior, on September 19, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of September 16, 1904, refusing to identify as Mississippi Choctaws the several persons in the consolidated case of Henry C. Townsend et al., of which the application for the identification of yourself is a part.

Respectfully,

Commissioner.

Copy of the testimony in this case sent to Mansfield, Mc Murray &  
Cernish, April 14, 1904.

McM

Sarah Chambers

DECISION RENDERED

SEP 15 1904

REFUSED.

SEP 16 1904

NOTICE OF DECISION FORWARDED,  
APPLICANT

SEP 16 1904

COPY OF DECISION FORWARDED  
ATTORNEYS FOR CHOCTAW AND  
CHICKASAW NATIONS.

SEP 16 1904

NOTICE OF DECISION  
FORWARDED ATTORNEY  
FOR APPLICANTS.

SEP 16 1904

RECORD FORWARDED DEPARTMENT. OCT 19 1904

ACTION APPROVED BY SECRETARY OF INTERIOR.

SEP 19 1906

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

OCT - 5 1906

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT.

OCT - 5 1906

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

OCT - 5 1906

REFER TO M. Q. H.

7004

4

No.

7169

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 20 1903

Name Sarah Chambers

Age 28 Blood 1/16

Post Office, Orofino, Idaho.

Father: John Bush, D.

Mother: Amanda L.

Claims through Mother

Husband:

Elijah R Chambers, L.  
(No claim for him)

Children.

(Claims for self alone)

Stenographer A. H. Rosenberg.

Choctaw MCR 7170

Arkansas. Ranes

MCR 7170

#7170.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T. March 20, 1903.

-----

In the matter of the application of Arkansas Ranes for the identification of herself and her eight minor children, Vernon, Matt, Frank, Walter, Nannie S., Ernest, Early and Edney Ranes, as Mississippi Choctaws.

Arkansas Ranes, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Arkansas Ranes.  
Q How old are you? A Thirty-three.  
Q What is your post office address? A Greeley, Lee County, Kentucky.  
Q How long have you lived there? A I was born and raised in Kentucky.  
Q You have lived there all your life? A Yes, sir.  
Q What is your father's name? A James Townsend.  
Q Is he living? A No, sir.  
Q What is your mother's name? A Nancy St John.  
Q Your mother has married since the death of your father? A Yes.  
Q Is your mother living? A Yes, sir.  
Q Through which one of your parents do you claim your Choctaw blood? A My father.  
Q How much Choctaw blood do you claim? A 1/16.  
Q Has your father, through whom you claim the right to identification, ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States? A No, sir.  
Q Through which one of his parents did your father derive his Choctaw blood? A His father.  
Q What was his name? A Garret Townsend.  
Q What was your father's mother's name? A Sally Ann.  
Q Is Garret Townsend living? A No.  
Q Do you know how old he would be if living? A No.  
Q Through which one of his parents did Garret Townsend claim his Choctaw blood? A His mother.  
Q What was her name? A Susan.  
Q That was your great-grandmother? A Yes.  
Q What was her husband's name? A Jim Townsend.  
Q He was a white man? A Yes.  
Q He claimed no Choctaw blood? A No, sir.  
Q Do you know when Garret Townsend and Sally Ann Townsend were married? A No.  
Q When and where were your father and mother married? A I don't know.  
Q Have you any evidence of their marriage with you? A No.

It will be necessary that you furnish the Commission with proper evidence of the marriage of your father and mother in support of the claim which you make for yourself as a Mississippi Choctaw. This can be furnished by a certified copy of the marriage record from the county clerk's office of Lee County, Kentucky.

Arkansas Ranes -----2.

- Q How much Choctaw blood did Susan Townsend have? A One-half.  
 Q Do you know through which parent she claimed? A Her mother.  
 Q What was her name? A I don't know.  
 Q You are not able to trace your ancestry any further back than Susan Townsend? A No.  
 Q Are you married? A Yes.  
 Q What is your husband's name? A James F. Ranes.  
 Q Is he a white man? A Yes, sir.  
 Q He claims no Choctaw blood? A No.  
 Q You make no claim for him? A No.  
 Q Have you any minor children for whom you wish to make application? A Yes, sir, eight.  
 Q Give their names and ages? A Vernon, 13; Matt (boy) 11; Frank, 9; Walter, 7; Nannie S., 5; Ernest, 3; Early, 3, and Edney, 11 months.  
 Q This application is for yourself and your eight minor children? A Yes, sir.  
 Q Are you the mother of these children? A Yes, sir.  
 Q And James F. Ranes is the father? A Yes.  
 Q These children claim through you? A Yes.  
 Q Is your name or are the names of any of your minor children to be found on any of the rolls of the Choctaw tribe of Indians in Indian Territory? A No, sir.  
 Q Did you, or did any one for you, or for your minor children, ever make application to the Choctaw tribal authorities to be enrolled as members of that tribe? A No, sir.  
 Q Did you, or did any one for you, or for your minor children, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A I don't know.  
 Q You knew of no such application having been made for you? A No.  
 Q Is this the first application of any description that has ever been made for you or your children for citizenship in the Choctaw Nation? A Yes, sir.  
 Q Do you appear before the Commission at this time claiming rights in the Choctaw lands in Indian Territory for yourself and your minor children under the provisions of article fourteen of the treaty of 1830? A Yes, sir.  
 Q Do you understand that article? A Yes, sir.

Article fourteen reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six-hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Arkansas Cases ----3.

- Q Is that the provision of law under which you are claiming the right to identification as a Mississippi Choctaw? A Yes, sir.
- Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A I don't know.
- Q What is the name of your Choctaw ancestor who was living in the old Choctaw Nation in 1830 and the head of a family there at that time? A I don't know.
- Q Do you know whether any of your Choctaw ancestors were recognized members of the Choctaw tribe of Indians at that time? A I don't know.
- Q Do you know whether any of them owned an improvement in what constituted the old Choctaw Nation at the time this treaty of 1830 was made? A I don't.
- Q Did any of your Choctaw ancestors remove from that old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation, Indian Territory at the time of the removal of the greater portion of the Choctaw Indians between the years 1833 and 1836? A I don't know.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 signify to the Agent in Mississippi at that time an intention to remain in the old Choctaw Nation, take land there and become citizens of the states? A I don't know.
- Q Did any of your Choctaw ancestors ever claim or receive any land in Mississippi under the provisions of article fourteen of the treaty of 1830? A I don't know.

In accordance with the provisions of article fourteen of the treaty of 1830, the government directed an Agent in Mississippi to register the names of those Choctaws who might desire to stay in the old Choctaw Nation and comply with the provisions of article fourteen of that treaty. The records of the government show that this Agent failed to register and report the names of a great many Choctaws who really did signify to him an intention to remain in the old Choctaw Nation, take land there and become citizens of the states. On this account, in many instances, the lands on which these Indians lived and had improvements and which they desired to have reserved for them, were sold by the government at its public land sales, and the Indians deprived of their land. This caused much complaint among the Choctaws and the matter was finally brought to the attention of Congress, and Congress, by acts passed March 3, 1837 and August 23, 1842, appointed Commissions whose duty it was to go to Mississippi and investigate the claims of these Choctaws.

- Q Did any of your Choctaw ancestors appear before either of these Commissions appointed in 1837 and in 1842 and attempt to establish their rights under the provisions of article fourteen of the treaty of 1830? A I don't know.

The act of Congress approved August 23, 1842, provided, that in case it should be finally determined that a Choctaw Indian had complied in ever respect with the provisions of article fourteen of the treaty of 1830, but that his land had been sold by the government, he should be entitled to select land elsewhere in the states of Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant government land, and that



Arkansas Cases -----4.

a certificate to that effect should be given him. These certificates were called scrip.

- Q Did any of your Choctaw ancestors ever receive any such scrip from the government under that act of Congress? A I don't know.  
Q So far as you know, were any of your Choctaw ancestors ever recognized members of the Choctaw tribe of Indians? A I don't know.  
Q Did any of them ever receive any benefits as such? A No.  
Q Have you any witnesses? A No.  
Q Have you any documentary evidence to offer? A No.  
Q Do you desire time in which to introduce further evidence? A Yes, sir.

You will be allowed thirty days from the date of this application in which to introduce additional evidence in support of your claim.

- Q What relation is Sarah Chambers to you? A Cousin.  
Q She has appeared before the Commission? A Yes.  
Q Other relatives of yours have appeared have they not? A Yes.  
Q Do you desire your case considered with their's? A Yes.

Reference is made to the case of Mary Davis, M. C. R. \_\_\_\_\_ for the purpose of consolidation.

- Q Do you speak or understand the Choctaw language? A No, sir.  
Q Are there any further statements you desire to make? A No.

Applicant has the appearance of being a white person; shows no indication of possessing Choctaw Indian blood; has dark gray eyes; brown hair; light complexion; does not speak the Choctaw language, and knows of no compliance on the part of her Choctaw ancestors with the provisions of article fourteen of the treaty of 1830.

R. B. Eisenberg, being first duly sworn, states on his oath that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on the 20th day of March, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

*R. B. Eisenberg*

Subscribed and sworn to before me this 2nd day of May, 1903.

*Charles J. Hargrove*

Notary Public.

H.C.R. 7170.

Muskogee, Indian Territory, November 11, 1903.

Arkansas Ranes,  
Greeley, Kentucky.

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of your application for identification of yourself and your minor children as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

COPY:

Muskogee, Indian Territory, September 16, 1904.

Arkansas Ranes,

Greeley, Kentucky.

Dear Madam:

You are hereby notified that the Commission to the Five Civilized Tribes, on September 16, 1904, rendered its decision refusing the application for identification as Mississippi Choctaws of yourself and your eight minor children, Vernon Ranes, Matt Ranes, Frank Ranes, Walter Ranes, Nannie S. Ranes, Ernest Ranes, Early Ranes and Edney Ranes.

You are further advised that you will be allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*Tams Bixby.*

Chairman.

Registered.

MCB-7170.

Muskogee, Indian Territory, October 5, 1906.

Arkansas Ranes,  
Grealey, Kentucky.

Dear Madam:

You are hereby notified that the Secretary of the Interior, on September 19, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of September 16, 1904, ~~refusing to identify as Mississippi Choctaws the several persons~~ in the consolidated case of Henry C. Townsend et al., of which the application for the identification of yourself and children is a part.

Respectfully,

Commissioner.

Copy of testimony in this case sent to Mansfield, McMurray & Cornish, April 14, 1904.

McM

9

No. 7170

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 20 1903

Name Arkansas Ranes

Age 33 Blood 1/16

Post Office, Greely, Ky.

Father: James Townsend d.

Mother: Nancy St. John L

Claims through father

Husband:

James F. Ranelw, L  
No claim for him.

Children:

Vernon Ranes 13

Matt " (M) 10

Frank " 7

Walter " 7

Nannie S. 5

Ernest } 3

Earley } 3

Edw. 11 mo

(Claims for each of 8 children)

Stenographer R. B. H. H. H.

A MISSISSIPPI CHOCTAW

Arkansas Ranes, et al

DECISION RENDERED

SEP 16 1904

REFUSED. SEP 16 1904

NOTICE OF DECISION FORWARDED  
APPLICANT

SEP 16 1904

COPY OF DECISION FORWARDED  
ATTORNEYS FOR CHOCTAW AND  
CHICKASAW NATIONS.

SEP 16 1904

NOTICE OF DECISION  
FORWARDED ATTORNEY  
FOR APPLICANTS.

SEP 16 1904

RECORD FORWARDED DEPARTMENT. OCT 19 1904

ACTION APPROVED BY SECRETARY OF INTERIOR.

SEP 19 1906

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

OCT - 5 1906

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT.

OCT - 5 1906

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

OCT - 5 1906

SEP 16 1904

Choctaw MCR 7171

Mollie Murphy

MCR 7171



#7171.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskegee, I. T., March 20, 1903.

-----

In the matter of the application of Mollie Murphy for the identification of herself and her five minor children, Rosa, Pearl, Attie, Clifford and Anderson Murphy, as Mississippi Choctaws.

Mollie Murphy, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Mollie Murphy.  
Q How old are you? A Forty-five.  
Q What is your post office address? A Monticello, Texas.  
Q How long have you lived there? A About 17 years.  
Q Where did you live before that? A In Camp County, Texas.  
Q Where were you born? A In Camp County.  
Q What is your father's name? A George Hill.  
Q Is he living? A No.  
Q What is your mother's name? A Lucinda Hill.  
Q Is she living? A Yes, sir.  
Q She made application to-day? A Yes, sir.  
Q You claim through your mother? A Yes, sir.  
Q How much Choctaw blood do you claim? A I don't know.  
Q Has your mother, through whom you claim, ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States? A No, sir.  
Q Through which one of her parents did your mother derive her Choctaw blood? A Her father.  
Q What was his name? A Henry McCullars.  
Q How much Choctaw blood did Henry McCullars have? A I don't know.  
Q Through which parent did Henry McCullars claim? A His mother.  
Q What was her name? A Debbie Thomas.  
Q Your great-great-grandmother? A Yes.  
Q Your grandfather, Henry McCullars, was married prior to 1830? A I guess so.  
Q Are you married? A Yes.  
Q What is your husband's name? A Henry Murphy.  
Q Is he a white man? A Yes, sir.  
Q He claims no Choctaw blood? A No.  
Q You make no claim for him? A No.  
Q Have you any minor children for whom you wish to make application? A Yes, sir.  
Q What are their names and ages? A Rosa, 16; Pearl, 14; Attie, 12; Clifford, 10, and Anderson, 7.  
Q This application is for yourself and five minor children? A Yes.  
Q You are the mother of these children? A Yes, sir.  
Q And Henry Murphy is the father? A Yes.  
Q These children claim through you? A Yes, sir.  
Q Is your name or are the names of any of these minor children to

Mollie Murphy -----2.

be found on any of the tribal rolls of the Choctaw Nation? A I don't know.

- Q Did you, or did any one for you or for your minor children, make application for enrollment as citizens of the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No, sir.
- Q Did you, or did any one for you or for your minor children, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under act of Congress of June 10, 1896? A No, sir.
- Q Is this the first application for citizenship or enrollment in the Choctaw Nation that has ever been made for yourself or for your children? A Yes, sir.
- Q You appear before the Commission at this time claiming rights in the Choctaw lands in Indian Territory for yourself and children under the provisions of article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand that article? A Yes, sir.

Article fourteen reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of the treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Is that the provision of law under which you are claiming the right to identification as a Mississippi Choctaw? A Yes, sir.
- Q What is the name of your Choctaw ancestor who was living in Mississippi in 1830 and the head of a family there at that time? A Henry McCullars.
- Q Your grandfather? A Yes, sir.
- Q Were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians in 1830? A I don't know.
- Q Were any of your Choctaw ancestors living in the old Choctaw Nation in 1830 when this treaty was made? A I don't know.
- Q Did any of your Choctaw ancestors own an improvement at that time in what constituted the old Choctaw Nation? A Not that I knew of.
- Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A Not that I knew of.
- Q Did any of your Choctaw ancestors remove from that old Choctaw Nation to the Choctaw Nation, Indian Territory, at the time of the removal of the greater portion of the Indians between the years

Mollie Murphy -----3.

1833 and 1838? A No, sir, not that I know of.

Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 signify to the Agent in Mississippi at that time an intention to remain in the old Choctaw Nation, to take land there and become citizens of the states?

A No, sir.

Q Did any of your ancestors ever receive or claim any land in the old Choctaw Nation under the provisions of article fourteen of the treaty of 1830? A No, sir.

In accordance with the provisions of article fourteen of the treaty of 1830, the government directed an Agent in Mississippi to register the names of those Choctaw Indians who might desire to remain in the old Choctaw Nation and comply with the provisions of article fourteen of that treaty. The records of the government show that this agent failed to register and report the names of a great many Choctaws who really did signify to him their intention to remain in the old Choctaw Nation, take land there and become citizens of the states. On this account, in many instances, the lands on which Choctaws lived and had improvements, and which they desired to have reserved for them, were sold by the government at its public land sales and the Indians deprived of their land. This caused much complaint among the Choctaws and the matter was finally brought to the attention of Congress, and Congress, by acts passed March 3, 1837, and August 23, 1842, appointed Commissions whose duty it was to go to Mississippi and investigate these claims.

Q Did any of your Choctaw ancestors appear before either of these Commissions appointed in 1837 and in 1842, and attempt to establish their rights under the provisions of article fourteen of the treaty of 1830? A I don't know.

The act of Congress approved August 23, 1842, provided, that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article fourteen of the treaty of 1830, but that his land had been sold by the government, he should be entitled to select land elsewhere in the states of Mississippi, Alabama, Louisiana, or Arkansas, to be taken from vacant government land, and that a certificate to that effect should be given him. These certificates were called scrip.

Q Did any of your Choctaw ancestors ever receive any such scrip from the government under that act of Congress? A No, sir.

Q Were any of your Choctaw ancestors ever recognized members of the Choctaw tribe of Indians? A No, sir.

Q Did any of your Choctaw ancestors ever receive any benefits as Choctaw Indians? A No, sir.

Q Have you any witnesses? A No.

Q Have you any documentary evidence you wish to present? A No.

Q Do you desire time in which to introduce further evidence? A Yes, sir.

You will be allowed 30 days from this date within which to introduce additional evidence in support of your claim.

Q Do you speak or understand the Choctaw language? A No.

Mollie Murphy -----4.

- Q Are there any further statements that you desire to make? A No, sir.
- Q Your mother, Lucinda Hill, has appeared before the Commission and made application? A Yes, sir.
- Q You desire her case considered with yours? A Yes.
- Q And also the cases of other relatives of yours? A Yes.

Applicant has the appearance of being a white person; shows no indication of possessing Choctaw blood, light complexion, gray eyes, light hair; has no knowledge of any compliance on the part of her Choctaw ancestors with the provisions of article fourteen of the treaty of 1830.

-----

R. B. Eisenberg, being first duly sworn, states on his oath that ~~that~~ as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on the 20th day of March, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings taken on said date.

*R. B. Eisenberg*

Subscribed and sworn to before me this 14th day of May, 1903.

*Charles H. Sawyer*

Notary Public.

M C R 7171

Muskogee, Indian Territory, April 13, 1903.

Mollie Murphy,  
Monticello, Texas.

Dear Madam:

Receipt is hereby acknowledged of certified copy of marriage license and certificate between H. L. Murphy and Mollie Hill, offered in support of the application made by you for the identification of yourself and minor children as Mississippi Choctaws. The same has been filed with the record in your case.

Respectfully,

Chairman.

COPY.

M.O.R. 7171

Muskogee, Indian Territory, August 1, 1903.

Mollie Murphy,

Monticello, Texas.

Dear Madam:

You are hereby advised that on the 1st day of August, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lucinda Hill, et al., embracing the following applications for identification as Mississippi Choctaws:

Lucinda Hill,	M.O.R. 7168
Mollie Murphy, et al.,	" 7171
Margaret Murphy,	" 7180
Isaiah Hill,	" 7172
Albert Hill, et al.,	" 7174
Allen M. Hill, et al.,	" 7179
Lee Hill,	" 7176
Ella Traylor, et al.,	" 7178

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lucinda Hill, Mollie Murphy, Rosa Murphy, Pearl Murphy, Attie Murphy, Clifford Murphy, Andersen Murphy, Margaret Murphy,

H.M. ---2

Isaiah Hill, Albert Hill, George W. Hill, Bonnie Hill, Lodie Hill, Allie Hill, John Hill, Claudie Hill, Eva May Hill, Bessie Hill, Allen M. Hill, Tom Hill, Fannie Hill, Maudie Hill, Lee Hill, Ella Trayler, Tillman Trayler and Lillie Trayler, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*T. B. Needles.*  
Commissioner in Charge.

Registered.



M.C.R. 7171.

COPY:

Muskogee, Indian Territory, December 3, 1903.

Mollie Murphy,  
Monticello, Texas.

Dear Madam:

You are hereby notified that on the 21st day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lucinda Hill et al., of which decision you were advised by registered mail on the 1st day of August, 1903.

Respectfully,

(SIGNED)

*Tame Bixby.*  
Chairman.



16321-1907

MOR 7171

Muskogee, Oklahoma, December 10, 1907.

Mollie Porter,

Reff, Oklahoma.

Madam:

Replying to your letter of November 13th you are advised that the application made by Mollie Murphy for the identification of herself and five minor children as Mississippi Choctaws was refused by the Commission to the Five Civilized Tribes and the Secretary of the Interior, and as the rolls of citizenship of the Five Civilized Tribes were closed March 4, 1907, there is now no authority of law for the further consideration of this claim.

Respectfully,

Acting Commissioner.

McM

10

No. 7171

## FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 20 1903

Name

Mollie Murphy

Age

45

Blood

One known

Post Office, Monticello, Texas

Father: George Hill D.

Mother: Lucinda L

Claims through Mother

Husband: Henry Murphy, w.  
(No claim for him)

Children:

Rosa Murphy	16
Pearl "	14
Attie "	12
Clifford "	10
Anderson "	7

Claims for self & 5 minor  
children

Stenographer

R. B. Steinberg

REFUSED

NOV 21 1933

Dec 3 1905

DEC 3 1903

REF TO M.O. 7768

Choctaw MCR 7172

Isaiah Hill

MCR 7172

#7172.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskegee, I. T. March 20, 1903.

-----

In the matter of the application of Isaiah Hill for the identification of himself as a Mississippi Choctaw.

Isaiah Hill, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Isaiah Hill.  
Q How old are you? A Forty-four.  
Q What is your post office address? A Monticello, Texas.  
Q How long have you lived in Monticello? A I have been living there about 17 years.  
Q Where did you live before that? A In Camp County.  
Q Were you born in Texas? A Yes.  
Q Have you always lived there? A Yes, sir.  
Q What is your father's name? A George Hill.  
Q Is he living? A No.  
Q What is your mother's name? A Lucinda Hill.  
Q Is she living? A Yes, sir.  
Q You claim your Choctaw blood through your mother? A Yes, sir.  
Q How much Choctaw blood do you claim? A I really don't know.  
Q Has your mother, through whom you claim the right to identification, ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States? A Not that I know of.  
Q Through which one of her parents does your mother derive her Choctaw blood? A Her father.  
Q What is his name? A Henry McCullars.  
Q Do you know how old Henry McCullars would be if living now? A No I don't.  
Q Do you know where he was born? A In Mississippi.  
Q Where did he die? A In Arkansas, what I have been told.  
Q Through which parent did your father claim his Choctaw blood? A Through his mother.  
Q What was her name? A Debbie Thomas.  
Q That was her maiden name? A Yes.  
Q Do you know through which parent Debbie Thomas claimed her Choctaw blood? A No.  
Q Are you married? A No.  
Q This application is for yourself alone? A Yes, sir.  
Q Is your name to be found on any of the tribal rolls of the Choctaw Nation in Indian Territory? A I don't know.  
Q Did you ever make application to the Choctaw tribal authorities to be enrolled as a member of that tribe of Indians? A No.  
Q Did you, or did any one for you, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No, sir, not that I know of.  
Q Is this the first application of any description that has ever been made for you to be enrolled as a citizen of the Choctaw Nation? A Yes, sir.

Isaiah Hill -----2.

- Q Do you appear before the Commission at this time for the purpose of claiming rights in the lands of the Choctaw Nation Indian Territory under the provisions of article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand article fourteen? A Yes, sir.

Article fourteen reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q That is the provision of law under which you are claiming the right to identification as a Mississippi Choctaw? A Yes.
- Q What is the name of your Choctaw ancestor who was living in Mississippi in 1830 and was the head of a family at that time? A I don't know.
- Q Your grandfather, Henry McCullars, was married prior to 1830? A Yes, sir.
- Q And he is the Choctaw ancestor through whom you claim? A Yes.
- Q Did any of your Choctaw ancestors comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A I don't know.
- Q Were any of your Choctaw ancestors living in the old Choctaw Nation at the time this treaty was made? A I could not say.
- Q Were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians at that time? A I don't know.
- Q Did any of your Choctaw ancestors on an improvement at that time in what constituted the old Choctaw Nation? A Not that I know of.
- Q Did any of your Choctaw ancestors remove from that old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation, Indian Territory at the time of the removal of the great portion of the Choctaw Indians between the years 1833 and 1838? A Not that I know of.
- Q Did any of your Choctaw ancestors, within six months after the ratification of the treaty of 1830, signify to the Agent in Mississippi at that time an intention to remain in the old Choctaw Nation, take land there and become citizens of the states? A Not that I know of.

In accordance with the provisions of article fourteen of the treaty of 1830, the government directed an Agent in Mississippi to register the names of all these Choctaws who might

Isaiah Hill -----3.

desire to remain in the old Choctaw Nation and comply with the provisions of that article. The records of the government show that this Agent failed to register and report the names of a great many Choctaws who really did signify to him their intention of remaining in the old Choctaw Nation, to take land there and become citizens of the states. On this account, in many instances, the lands on which these Indians lived and had improvements and which they desired to have reserved for them, were sold by the government at its public land sales, and the Indians deprived of their lands. This caused much complaint among the Choctaws and the matter was finally brought to the attention of Congress, and Congress, by acts passed March 3, 1837, and August 23, 1842, appointed Commissions whose duty it was to go to Mississippi and investigate these claims.

- Q Did any of your Choctaw ancestors appear before either of these Commissions appointed in 1837 or in 1842 and attempt to establish their rights under the provisions of article fourteen of the treaty of 1830? A I don't know.

The act of Congress approved August 23, 1842, provided, that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article fourteen of the treaty of 1830, but that his land had been sold by the government, he should be entitled to select land elsewhere in the states of Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant government land, and that a certificate to that effect should be given him. These certificates were called scrip.

- Q Did any of your Choctaw ancestors receive any such scrip from the government under that act of Congress? A Not that I know of.
- Q So far as you know have any of your Choctaw ancestors ever been recognized members of the Choctaw tribe of Indians? A No, sir.
- Q So far as you know have any of them ever received any benefits as such? A Not that I know of.
- Q Have you any witnesses? A No.
- Q Have you any documentary evidence to present? A No.
- Q Do you desire time in which to present further evidence? A Yes.

You will be allowed thirty days from the date of this application within which to introduce additional evidence in support of this claim.

- Q Do you speak or understand the Choctaw language? A No.
- Q Are there any further statements you wish to make? A No.
- Q Your mother, Lucinda Hill, has appeared before the Commission? A Yes.
- Q Also your sister, Mollie Murphy? A Yes.
- Q Do you desire your case considered with theirs? A Yes.

Reference is made to the case of Lucinda Hill, M.C.R. 7168 for the purpose of consolidation.

Applicant has the appearance of being a white man; shows no indication of possessing Choctaw blood; has brown hair, dark complexion; has no knowledge of any compliance on the part of his Choctaw ancestors with the provisions of article fourteen of the treaty of 1830.



Isiah Hill ----4.

R. B. Eisenberg, being first duly sworn, states on his oath that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on the 20th day of March, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings taken on said date.

*R. B. Eisenberg*

Subscribed and sworn to before me this 14th day of May, 1903.

*Charles H. Sawyer*  
Notary Public.



COPY.

M.C.R. 7172

Muskogee, Indian Territory, August 1, 1903.

Isaiah Hill,

Monticello, Texas.

Dear Sir:

You are hereby advised that on the 1st day of August, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lucinda Hill, et al., embracing the following applications for identification as Mississippi Choctaws:

Lucinda Hill,	M.C.R. 7168
Mollie Murphy, et al.,	" 7171
Margaret Murphy,	" 7180
Isaiah Hill,	" 7172
Albert Hill, et al.,	" 7174
Allen M. Hill, et al.,	" 7179
Lee Hill,	" 7175
Ella Traylors, et al.,	" 7178

These applications were made under the provision of the act of Congress of June 25, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lucinda Hill, Mollie Murphy, Rosa Murphy, Pearl Murphy, Attie

Murphy, Clifford Murphy, Anderson Murphy, Margaret Murphy, Isaiah Hill, Albert Hill, George W. Hill, Bennie Hill, Lodie Hill, Allie Hill, John Hill, Claudie Hill, Eva May Hill, Bessie Hill, Allen M. Hill, Tom Hill, Nannie Hill, Maudie Hill, Lee Hill, Ella Trayler, Tillman Trayler and Lillie Trayler, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*T. B. Needles.*

Commissioner in Charge.

Registered.

M. C. R. 7172

Muskogee, Indian Territory, August 26, 1903.

Isaiah Hill,

Monticello, Texas,

Dear Sir:

Receipt is hereby acknowledged of your letter of August 20, asking for more time in which to present evidence in your case.

In reply to your letter you are informed that on August 17, 1903, the Commission forwarded the record in the matter of your application for identification as a Mississippi Choctaw, together with its decision of August 1, 1903, refusing your application, to the Secretary of the Interior. Pending action by him the Commission cannot receive or consider additional evidence in support of your claim. You will be notified in due time of such action as may be taken by the Secretary of the Interior in your case.

Respectfully,

Commissioner in Charge.

M.C.R. 7172.

COPY:

Muskogee, Indian Territory, December, 3, 1903.

Isaiah Hill,

Monticello, Texas.

Dear Sir:

You are hereby notified that on the 21st day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification of Mississippi Choctaws of the several persons included in the consolidated case of Lucinda Hill et al., of which decision you were advised by registered mail on the 1st day of August, 1903.

Respectfully,

*Tams Bixby.*  
Chairman.

No. 7172

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 20 1903

Name Isaiah Hill

Age 44 Blood Don't know

Post Office, Monticello, Texas

Father: George Hill D

Mother: Lucinda L

Claims through mother

~~Childhood~~

Claims for self alone

Enrollment R. B. [unclear]

A MISSISSIPPI CHOCTAW.

Isaiah Hill

ACTED BY

NOV 91 1901

RECEIVED BY ACTION

1901

FOR THE CHOCTAW  
AND

REFER TO M. C. R. 7168

Choctaw MCR 7173

Edward E. Thompson

MCR 7173

#7173.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskegee, I. T. March 20, 1903.

-----

In the matter of the application of Edward E. Thompson  
for the identification of himself as a Mississippi Choctaw.

Edward E. Thompson, being first duly sworn, testified as  
follows:

Examination by the Commission:

- Q What is your name? A Edward E. Thompson.  
Q What is your age? A Twenty-one.  
Q What is your post office address? A Lexington, Kentucky.  
Q Were you born in Kentucky? A Yes, sir.  
Q Lived there all your life? A Yes, sir.  
Q What is your father's name? A James H. Thompson.  
Q Is your father living? A Yes, sir.  
Q What is your mother's name? A Marilda Thompson.  
Q Is she living? A No.  
Q Through which parent do you claim your Choctaw blood? A My mother.  
Q How much Choctaw blood do you claim? A One-eighth.  
Q Has your mother, through whom you claim the right to identification, ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States? A No, sir.  
Q Through which one of her parents did your mother derive her Choctaw blood, A Her father.  
Q What was his name? A Firman Cheatham.  
Q What was the name of Firman Cheatham's wife? A Louisa Cheatham.  
Q Was she a white woman? A Yes, sir.  
Q She claimed no Choctaw blood? A No.  
Q Through which one of his parents did your grandfather, Firman Cheatham, derive his Choctaw blood? A His mother.  
Q What was her name? A Polly Harper.  
Q What was the name of Polly Harper's husband? A John Cheatham.  
Q Was he a white man? A Yes.  
Q He had no Choctaw blood? A No.  
Q Through which one of her parents did Polly Harper derive her Choctaw blood? A Her father, John Harper.  
Q What is Polly Harper's mother's name? A Polly Ann Harper.  
Q She was a full blood? A Yes, sir.  
Q And John Harper was a full blood Choctaw? A Yes, sir.  
Q John Harper was your great-great-grandfather? A Yes, sir.  
Q Are you married? A No.  
Q You claim for yourself alone? A Yes, sir.  
Q Is your name to be found on any of the tribal rolls of the Choctaw Nation in Indian territory? A No, sir.  
Q Have you ever made application to the Choctaw tribal authorities in Indian Territory to be enrolled as a member of the Choctaw tribe of Indians? A No, sir.



Edward E. Thompson -----2.

- Q Did you, or did any one for you, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No, sir.
- Q Is this the first application of any description that you have ever made to any authority whatever for citizenship in the Choctaw Nation? A Yes, sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the provisions of article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand that article? A Yes, sir.

Article fourteen reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months after the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Is that the provision of law under which you are claiming the right to identification as a Mississippi Choctaw? A Yes, sir.
- Q What is the name of your Choctaw ancestor through whom you claim the right to such identification? A John and Polly Ann Harper.
- Q How old would your mother be if now living? A About 56.
- Q Do you know when your grand-parents, Firman Cheatham and Louisa Cheatham were married? A In 1841.
- Q Then John Cheatham and Polly Harper were married prior to 1830? A Yes, sir.
- Q Do you know when Polly Harper died? A No, sir.
- Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A Yes, sir.
- Q How did they make such compliance? A He went to put in his claim and the agent refused to let him have it.
- Q Who went? A John Harper.
- Q Your great-great-grandfather? A Yes, sir.
- Q Do you know whether your great-grandmother, Polly Harper, ever attempted to comply with article fourteen of that treaty? A I don't know.
- Q Where was John Harper living at the time this treaty of 1830 was made? A In Kentucky.
- Q He was not a resident of Mississippi at the time this treaty was made? A Yes, sir, he left Mississippi and went to Kentucky.

Edward E. Thompson -----3.

- Q He had been living in Kentucky before that? A No, sir, he was raised in Mississippi.
- Q John Harper was born in Mississippi? A To the best of my knowledge.
- Q And moved to Kentucky before 1830? A Yes, I guess he did.
- Q And about the year 1830 or 1831 he went back to Mississippi and endeavored to obtain land there under the provisions of article fourteen of the treaty of 1830? A Yes, sir.
- Q Did he obtain that land? A No, sir.
- Q To whom did he apply? A To Colonel Ward.
- Q Who was Ward? A The Agent.
- Q Why did he not obtain the land? A Because he said Ward was drunk.
- Q You know of no attempted compliance then on the part of Polly Harper with the provisions of article fourteen of that treaty? A No, sir.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830, signify their intention to the Agent in Mississippi at that time an intention to remain in the old Choctaw Nation, take land there and become citizens of the states? A I don't know.
- Q Do you know whether this land, which you say John Harper endeavored to obtain in Mississippi, was applied for under the provisions of article fourteen of the treaty of 1830? A Yes, sir.
- Q Are you sure about that; might it not have been under some other article? A I don't know.
- Q You don't know what article it was under? A It was an article of 1830. I only know what my ancestors told me.
- Q When did you first hear of that? A I don't know what date it was.
- Q About when did you hear of it? A It has been about three months.
- Q Did any of your Choctaw ancestors ever receive any land from the government of the United States under the provisions of article fourteen of the treaty of 1830? A No, sir.
- Q You don't know of Polly Harper having claimed any land there? A No, sir.

In accordance with the provisions of article fourteen of the treaty of 1830 the government directed an agent in Mississippi at that time to register the names of those Choctaw Indians who might desire to remain in Mississippi and comply with the provisions of that article. The records of the government show that this Agent failed to register and report the names of a great many Choctaws who really did signify to him their intention to remain in the old Choctaw Nation, to take land there and become citizens of the states. On this account, in many instances, the lands on which these Indians lived and had improvements, and which they desired to have reserved for them, were sold by the government at its public land sales and the Indians deprived of their land. This caused much complaint among the Choctaws and the matter was finally brought to the attention of Congress, and Congress, by acts passed March 3, 1837, and August 23, 1842, passed acts appointing Commissions whose duty it was to go to Mississippi and investigate these claims.

- Q Did any of your Choctaw ancestors appear before either of these Commissions appointed in 1837 or in 1842 and attempt to establish

Edward H. Thompson -----4.

their rights under the provisions of article fourteen of the treaty of 1830? A No., sir.

The act of Congress approved August 23, 1842, provided, that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article fourteen of the treaty of 1830, but that his land had been sold by the government, he should be entitled to select land elsewhere in the states of Mississippi, Alabama, Louisiana, or Arkansas, to be taken from vacant government land, and that a certificate to that effect should be given him. These certificates were called scrip.

- Q Did any of your Choctaw ancestors receive any such scrip from the government under that act of Congress? A No.
- Q So far as you know were any of your Choctaw ancestors ever recognized members of the Choctaw tribe of Indians? A No.
- Q Have they ever received any benefits as such? A No.
- Q Have you any witnesses? A No.
- Q Have you any documentary evidence to present? A No.
- Q Have you any evidence of the marriage of Firman Cheatham and Louisa Cheatham with you at this time? A No.

It will be necessary that you furnish proper evidence of the marriage of Firman and Louisa Cheatham in support of the claim you now make. This evidence may be furnished within thirty days.

- Q Do you desire time in which to present further evidence? A Yes.

Thirty days time will be allowed you from the date of this application within which to introduce additional evidence in support of the claim you now make for identification as a Mississippi Choctaw.

- Q Do you speak or understand the Choctaw language? A No.
- Q Are there any further statements you wish to make? A No.
- Q A number of your relatives have appeared before the Commission and made application for identification as Mississippi Choctaws? A Yes.
- Q What relation is Christopher C. Hanks to you? A I don't know.
- Q What relatives of yours have appeared? A My brother, Robert Thompson, and sister.
- Q A number of other relatives of yours have also appeared? A Yes.
- Q Do you desire your case considered with theirs? A Yes.

This applicant has the appearance of being a white man; shows no indication of being possessed of Choctaw Indian blood; he is dark complected, dark brown hair, brown eyes; has no knowledge of any compliance on the part of his Choctaw ancestors with the provisions of article fourteen of the treaty of 1830, except that he has heard in the family that John Harper, his great-great-grandfather, tried to get land in Mississippi from the government.

Edward E. Thompson - ---5.

R. B. Eisenberg, being first duly sworn, states on his oath, that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on the 20th day of March, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings had on said date.

*R. B. Eisenberg*

Subscribed and sworn to before me this 22nd day of May, 1903.

*Charles W. Sawyer*

Notary Public.

COMMISSIONERS:  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE,  
W. E. STANLEY.

ALLISON L. AYLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 7173.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 6, 1903.

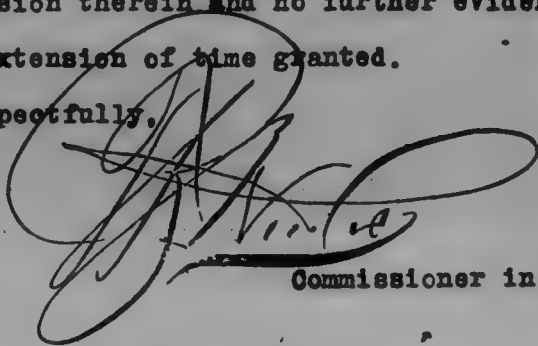
Edward E. Thompson,

Lexington, Kentucky.

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of your application for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,



Commissioner in Charge.

M: C. R. 7173.

Muskogee, Indian Territory, March 19, 1904.

Edward E. Thompson,  
Lexington, Kentucky,

Dear Sir:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which your application for identification as a Mississippi Choctaw was made a part, refusing said application.

You are further advised that a copy of such decision has been furnished your attorneys of record, Thomas & Harrison, Muskogee, Indian Territory; that the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted to the Secretary of the Interior for his consideration with such argument and brief as may be submitted by your attorneys.

Respectfully,

Registered

Commissioner in Charge.

COMMISSIONERS:  
TAMM BIXBY,  
THOMAS B. NEEDLER,  
C. R. BRECKINRIDGE.

WM. O. BRALL,  
Secretary.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:

M-C-R 7173

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, June 26, 1905.

Edward E. Thompson,  
Lexington, Kentucky.

Dear Sir:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 19th day of March, 1904.

Respectfully,

  
Chairman.

12

No. 7173

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 20 1903

Name Edward E. Thompson

Age 21 Blood 1/8

Post Office, Lexington, Ky

Father: James H. Thompson L

Mother: Marilda " D

Claims through mother

Children:

claims for self alone

Stenographer

R. B. [Signature]



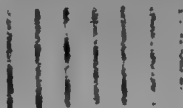
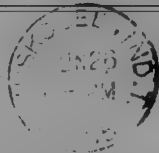
Filed  
July 21/63

704

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOCHEE, IND. TER.



Edward E. Thompson,

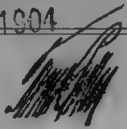
Lexington, Kentucky.

Returned to

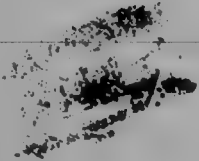
Unclaimed

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
**FILED**

MAY 11 1904

A handwritten signature, possibly "H. R. H.", is written over the "FILED" stamp.

CHAIRMAN

A dark, irregular smudge or stamp is located in the lower-left quadrant of the page.

RIED AND ... VD.

Returned to Writer  
220  
11/11



Department of the Interior,

Commission to the Five Civilized Tribes,  
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Unclaimed.

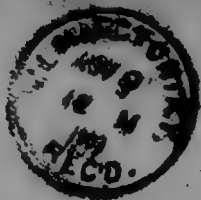
Edward E. Thompson,  
Lexington, Kentucky.

RECEIVED  
MAY 24 1904

3rd

5-1104

Not for E. E. Thompson  
Fire Dep't.



7173

*File*

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
**FILED**

DEC 14 1903

A handwritten signature, possibly "H. H. H.", in dark ink.

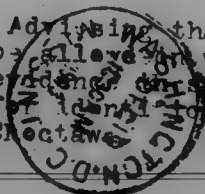
CHAIRMAN



General Office

M.C.R.

Advising that thirty days will  
be allowed in which to submit further  
evidence in support of application  
for identification as a Mississippi  
Choctaw



Edward F. Thompson

Lexington,

Virginia

RETURN TO WRITER



Department of the Interior

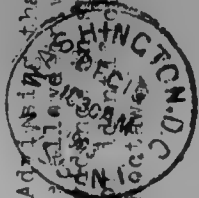


Penalty for private use, \$300.

General Office

M.C.R.

ADMINISTRATIVE  
that, thirty days will  
be allowed which to submit further  
evidence in support of application  
for extension as a Mississippian

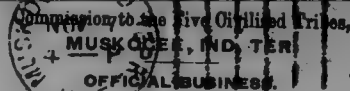


Edward F. Thompson

Lexington,

Kentucky.

Department of the Interior



Penalty for private use, \$300.

Edward E. Thompson

DECISION RENDERED.

MAR 4 1904

COPY OF DECISION FORWARDED  
ATTORNEYS FOR CHOCTAW AND  
CHICKASAW NATIONS.

MAR 4 1904

NOTICE OF DECISION MAILED APPLICANT. MAR 19 1904

COPY OF DECISION FORWARDED  
ATTORNEY FOR APPLICANT.

MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904.

ACTION APPROVED BY  
SECRETARY OF INTERIOR.

MAR 2 1905

NOTICE OF DEPARTMENTAL  
ACTION MAILED APPLICANT.

JUN 26 1905

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT.

MAR 1 1906

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

REFER TO M. C. R. 5670.



Choctaw MCR 7174

Albert Hill

MCR 7174

#7174

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T. March 20, 1903.

-----  
In the matter of the application of Albert Hill for the identification of himself and his eight minor children, George W., Bennie, Ludie, Allie, John, Claudie, Eva May, and Bessie Hill, as Mississippi Choctaws.

Albert Hill, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Albert Hill.  
Q How old are you? A 42.  
Q What is your post office address? A Monticello, Texas.  
Q Were you born in Texas? A Yes, sir.  
Q Have you always lived there? A Yes.  
Q What is your father's name? A George Hill.  
Q Is he living? A No, sir.  
Q What is your mother's name? A Lucinda Hill.  
Q Is she living? A Yes, sir.  
Q You claim your Choctaw blood through your mother? A Yes.  
Q She has made application to-day? A Yes, sir.  
Q How much Choctaw blood do you claim? A I could not tell you.  
Q Through which parent did your mother derive her Choctaw blood?  
A Her father.  
Q What was his name? A Henry McCullars.  
Q What was your mother's mother's name? A Rebecca Hill.  
Q Was she a white woman? A Yes, sir.  
Q She had no Choctaw blood? A No.  
Q Through which one of his parents did Henry McCullars claim? A  
His mother.  
Q What was her name? A Debbie Thomas.  
Q Do you know how much Choctaw blood she had? A No, sir.  
Q Are you married? A Yes, sir.  
Q What is your wife's name? A Laura Hill.  
Q Is she a white woman? A Yes.  
Q She has no Choctaw blood? A No.  
Q Is she living? A Yes.  
Q You make no claim for her? A No.  
Q Have you any children under age and unmarried for whom you wish  
to make application? A Yes, sir.  
Q What are their names and ages? A George W., 15; Bennie, 13;  
Ludie (girl) 11; Allie (girl) 8; John, 6; Claudie, 6; Eva May,  
3, and Bessie, 1.  
Q This application then is for yourself and your eight minor chil-  
dren? A Yes.  
Q You are the father of these children? A Yes..  
Q And Laura Hill is the mother? A Yes, sir.  
Q These children claim through you? A Yes, sir.

Albert Hill ----2.

- Q Have you evidence of the marriage of yourself and wife with you? A No.
- Q When and where were you married? A Mt. Vernon, Texas, December 31, 1885.
- Q Were you married under a license? A Yes.

It will be necessary that you furnish the Commission with proper evidence of the marriage of yourself and wife in support of the claim which you now make for the identification of your children as Mississippi Choctaws.

- Q Is your name, or are the names of any of these minor children to be found on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No.
- Q Did you, or did any one for you, or for your minor children, ever make application to be enrolled as members of the Choctaw tribe of Indians to the Choctaw tribal authorities in Indian Territory? A No, sir.
- Q Did you, or did any one for you, or for your minor children, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No, sir.
- Q Is this the first application of any description that has ever been made for the enrollment of yourself or your children as members of the Choctaw tribe of Indians? A Yes, sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the provisions of article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand article fourteen of the treaty of 1830? A Yes, sir.

Article fourteen reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six-hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Is that the provision of law under which you are claiming the right to identification? A Yes, sir.
- Q What is the name of your Choctaw ancestor through whom you claim these rights? A Henry McCullars.
- Q Your grandfather? A Yes, sir.

Albert Hill, ----3.

- Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A I don't know.
- Q Were any of your Choctaw ancestors living in the old Choctaw Nation in 1830 when this treaty was made? A Yes, sir.
- Q Was Henry McCullars living there then? A Yes, sir.
- Q Do you know where? A In Yalo Busha County.
- Q Was he a recognized member of the Choctaw tribe of Indians at that time? A I don't know.
- Q Did he own an improvement at that time in what constituted the old Choctaw Nation? A I don't know.
- Q Did any of your Choctaw ancestors remove from that old Choctaw Nation to the Choctaw Nation, Indian Territory, at the time of the removal of the greater portion of the Choctaw Indians between the years 1833 and 1838? A No, sir, not that I know of.
- Q Did any of your Choctaw ancestors, within six months after the ratification of the treaty of 1830, signify to the Agent in Mississippi at that time an intention to remain in the old Choctaw Nation, take land there and become citizens of the states? A No, sir.

In accordance with the provisions of article fourteen of the treaty of 1830, the government directed an Agent in Mississippi to register the names of those Choctaws who might desire to remain in the old Choctaw Nation and comply with the provisions of that article. The records of the government show that this Agent failed to register the names of a great many Choctaws who really did signify to him their intention of remaining in the old Choctaw Nation, of taking land there and becoming citizens of the states. On this account, in many instances, the lands on which these Indians lived and had improvements and which they desired to have reserved, were sold by the government at its public land sales and the Indians deprived of their land. This caused much complaint among the Choctaws and the matter was finally brought to the attention of Congress, and Congress, by acts passed March 3, 1837, and August 23, 1842, appointed Commissions whose duty it was to go to Mississippi and investigate these claims.

- Q Did any of your Choctaw ancestors appear before either of these Commissions appointed in 1837 or in 1842 and attempt to establish their rights under the provisions of article fourteen of the treaty of 1830? A I don't know.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article fourteen of the treaty of 1830, but that his land had been sold by the government, he should be entitled to select land elsewhere in the states of Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant government land, and that a certificate to that effect should be given him. These certificates were called scrip.

- Q Did any of your Choctaw ancestors ever receive any such scrip from the government under this act of Congress? A No, sir.
- Q So far as you know have any of your Choctaw ancestors ever been recognized members of the Choctaw tribe of Indians? A No.

Albert Hill -----4.

- Q Have any of your Choctaw ancestors ever received any benefits as Choctaw Indians? A No.  
Q Have you any witnesses? A No.  
Q Have you any documentary evidence to offer? A No.  
Q Do you desire time in which to offer further evidence? A Yes.

You will be allowed 30 days from the date of this application in which to offer additional evidence in support of the claim you now make to identification as a Mississippi Choctaw.

- Q Do you speak the Choctaw language? A No, sir.  
Q Are there any further statements you wish to make? A No.  
Q Your mother has appeared before the Commission to-day? A Yes.  
Q Also your sister, Mollie Murphy? A Yes.  
Q And your brother Isaiah Hill? A Yes.

Reference is made to the case of Lucinda Hill, M.C.R. 7168, for the purpose of consolidation.

Applicant has the appearance of being a white man; shows no indication of possessing Choctaw blood; has light complexion, light brown hair, and has no knowledge of any compliance on the part of his Choctaw ancestors with the provisions of article fourteen of the treaty of 1830.

R. B. Eisenberg, being first duly sworn, states on his oath that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on the 20th day of March, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings had on said date.

*R. B. Eisenberg*

Subscribed and sworn to before me this 15th day of May, 1903.

*Charles N. Sawyer*

Notary Public.

M C R 7174

Muskogee, Indian Territory, April 13, 1903.

Albert W. Hill,  
Monticello, Texas.

Dear Sir:

Receipt is hereby acknowledged of certified copy of marriage license and certificate between A. W. Hill and Miss Laura Deshazo, offered in support of the application made by you for the identification of yourself and minor children as Mississippi Choctaws. The same has been filed with the record in this case.

Respectfully,

Chairman.

M.C.R. 7174

COPY.

Muskogee, Indian Territory, August 1, 1903.

Albert Hill,

Monticello, Texas.

Dear Sir:

You are hereby advised that on the 1st day of August, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lucinda Hill, et al., embracing the following applications for identification as Mississippi Choctaws:

Lucinda Hill,	M.C.R. 7168
Mollie Murphy, et al.,	" 7171
Margaret Murphy,	" 7180
Isaiah Hill,	" 7172
Albert Hill, et al.,	" 7174
Allen M. Hill, et al.,	" 7179
Lee Hill,	" 7176
Ella Traylor, et al.,	" 7178

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of



Lucinda Hill, Mollie Murphy, Rosa Murphy, Pearl Murphy, Attie Murphy, Clifford Murphy, Anderson Murphy, Margaret Murphy, Isaiah Hill, Albert Hill, George W. Hill, Bonnie Hill, Ludie Hill, Allie Hill, John Hill, Claudie Hill, Eva May Hill, Bes-sie Hill, Allen M. Hill, Tom Hill, Nannie Hill, Maudie Hill, Lee Hill, Ella Traylor, Tillman Traylor and Lillie Traylor, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*I. B. Needles.*  
Commissioner in Charge.

Registered.



M.C.P. 7174.

Muskogee, Indian Territory, December 3, 1903.

Albert Hill,

Monticello, Texas.

Dear Sir:

You are hereby notified that on the 21st day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lucinda Hill et al., of which decision you were advised by registered mail on the 1st day of August, 1903.

Respectfully,

Jame Bixby.  
Chairman.

12

No. 7174

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 20 1903

Name Albert Hill

Age 42 Blood Don't know

Post Office, Monticello, Texas

Father: George Hill D

Mother: Lucinda L

Claims through mother

Wife Laura Hill, w L  
no claim for her

Children:

George W. Hill	15
Bennie	13
Ludie " (F)	11
Allie " (F)	8
John	6
Claudio " (M)	6
Eva May "	3
Bessie "	1

Claims for self & 8 minor children

Stenographer R. B. Eisenberg

Albert Hill, et al

REFUSED

ALBANY

NOV

1903

DEC 3 1903

FOR THE  
AND CHIEF OF THE

REFER TO M. C. R. 7/68

Choctaw MCR 7175

Lee Hill

MCR 7175

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T., March 20, 1903.

In the matter of the application of Lee Hill for the identification of himself as a Mississippi Choctaw.

Lee Hill, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Lee Hill.  
Q What is your age? A 32.  
Q What is your post office address? A Monticello, Texas.  
Q Were you born in Texas? A Yes.  
Q Have you lived there all your life? A Yes, sir.  
Q What is your father's name? A George Hill.  
Q Is he living? A No.  
Q What is your mother's name? A Lucinda Hill.  
Q Is she living? A Yes.  
Q Do you claim your Choctaw blood through your mother? A Yes.  
Q How much Choctaw blood do you claim? A I don't know.  
Q Has your mother, through whom you claim your Choctaw blood, ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States? A No, sir.  
Q Through which one of her parents does your mother claim her Choctaw blood? A Her father.  
Q What is her father's name? A Henry McCullars.  
Q Do you know how much Choctaw blood Henry McCullars had? A No, sir.  
Q Through which one of his parents did Henry McCullars claim his Choctaw blood? A I don't know.  
Q You are not able to trace your ancestry any further back than Henry McCullars, your grandfather? A No, sir.  
Q Are you married? A No.  
Q Have you ever been married? A No, sir.  
Q This application is for yourself alone? A Yes, sir.  
Q Is your name to be found on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.  
Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as a member of that tribe of Indians? A No.  
Q Did you, or did any one for you, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No.  
Q Is this the first application for citizenship or enrollment in the Choctaw Nation that has ever been made in your behalf? A Yes, sir.  
Q You appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the provisions of article fourteen of the treaty of 1830? A Yes, sir.  
Q Do you understand that article? A Yes, sir.

Article fourteen reads as follows:

Lee Hill -----2.

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Is that the provision of law under which you are claiming the right to identification as a Mississippi Choctaw? A Yes, sir.
- Q What is the name of your Choctaw ancestor through whom you claim this right? A Grandfather, Henry McCullars.
- Q Were any of your Choctaw ancestors living in the old Choctaw Nation in Mississippi and Alabama at the time this treaty was made? A I don't know.
- Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A I don't know.
- Q Were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians? A I don't know.
- Q Did any of your Choctaw ancestors own any improvements at that time in what constituted the old Choctaw Nation? A I don't know.
- Q Did any of your Choctaw ancestors remove from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory at the time of the removal of the greater portion of the Choctaw Indians between the years 1833 and 1838? A I don't know.
- Q Did any of your Choctaw ancestors, within six months after the ratification of the treaty of 1830 signify to the Agent in Mississippi at that time an intention to remain in the old Choctaw Nation, take land there and become citizens of the states? A Not that I know of.

In accordance with the provisions of article fourteen of the treaty of 1830, the government directed an Agent in Mississippi at that time to register the names of all those Choctaws who might desire to remain in the old Choctaw Nation and comply with the provisions of that article. The records of the government show that this Agent failed to register and report the names of a great many Choctaws who signified to him their intention to remain in the old Choctaw Nation, to take land there and become citizens of the states. On this account, in many instances, the lands on which these Indians lived and had improvements, and which they desired to have reserved for them, were sold by the government at its public land sales, and the Indians deprived of their land. This caused much complaint among the Choctaws and the matter was finally brought to the

Lee Hill -----3.

attention of Congress, and Congress, by acts passed March 3, 1837, and August 23, 1842, appointed Commissions whose duty it was to go to Mississippi and investigate these claims.

- Q Did any of your Choctaw ancestors appear before either of these Commissions appointed in 1837 and in 1842, and attempt to establish their rights under the provisions of article fourteen of the treaty of 1830? A Not that I know of.

The act of Congress approved August 23, 1842, provided, that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article fourteen of the treaty of 1830, but that his land had been sold by the government, he should be entitled to select land elsewhere in the states of Mississippi, Alabama, Louisiana, or Arkansas, to be taken from vacant government land, and that a certificate to that effect should be given him. These certificates were called scrip.

- Q Did any of your Choctaw ancestors receive any such scrip from the government under this act of Congress? A No, sir.  
Q So far as you know were any of your Choctaw ancestors members of the Choctaw tribe of Indians? A No.  
Q So far as you know did any of them ever receive any bene from the government as such? A No.  
Q Have you any witnesses? A No, sir.  
Q Have you any documentary evidence to present? A No.  
Q Do you desire time in which to introduce further evidence? A Yes.

You will be allowed thirty days from the date of this application within which to introduce additional testimony in support of your claim.

- Q Your mother, Lucinda Hill, has been before the Commission? A Yes.  
Q Your brother, Isaiah Hill has also been here? A Yes.  
Q And your sister, Mollie Murphy? A Yes.  
Q You desire your case considered with theirs? A Yes, sir.

Reference is made to the case of Lucinda Hill, M.C.R. 7168, for the purpose of consolidation.

- Q Do you speak or understand the Choctaw language? A No.  
Q Are there any statements you wish to make? A No.

Applicant has the appearance of being a white person; shows no indication of possessing Choctaw blood; has light complexion, blue eyes, light brown hair; has no knowledge of any compliance on the part of his Choctaw ancestors with the provisions of article fourteen of the treaty of 1830.

Lee Hill -----4.

R. B. Eisenberg, being first duly sworn, states on his oath that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on the 30th day of March, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings had on said date.

*R. B. Eisenberg*

Subscribed and sworn to before me this 14th day of May, 1903.

*Charles H. Sawyer*

Notary Public.



COPY.

M.C.R. 7175

Muskogee, Indian Territory, August 1, 1903.

Lee Hill,

Monticello, Texas.

Dear Sir:

You are hereby advised that on the 1st day of August, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lucinda Hill, et al., embracing the following applications for identification as Mississippi Choctaws:

Lucinda Hill,	M.C.R. 7168
Mollie Murphy, et al.,	" 7171
Margaret Murphy,	" 7180
Isaiah Hill,	" 7172
Albert Hill, et al.,	" 7174
Allen M. Hill, et al.,	" 7179
Lee Hill,	" 7175
Ellis Traylor, et al.,	" 7176

These applications were made under the provision of the act of Congress of June 28, 1896 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lucinda Hill, Mollie Murphy, Rosa Murphy, Pearl Murphy, Attie

Murphy, Clifford Murphy, Anderson Murphy, Margaret Murphy, Isaiah Hill, Albert Hill, George W. Hill, Bonnie Hill, Lodie Hill, Allie Hill, Tom Hill, Charlie Hill, Eva May Hill, Beattie Hill, Allen W. Hill, Tom Hill, Essie Hill, Maudie Hill, Lee Hill, Ella Traylor, Tillman Traylor and Billie Traylor. as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*T. B. Needles*  
Commissioner in Charge.

Registered.

M.A.R.7175.

COPY:

Muskogee, Indian Territory, December 3, 1903.

Lee Hill,

Monticello, Texas.

Dear Madam:

You are hereby notified that on the 31st day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lucinda Hill et al., of which decision you were advised by registered mail on the 1st day of August, 1903.

Respectfully,

(S3117)

*Tams Bixby.*  
Chairman.

14

No.

7175

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 20 1903

Name

Lee Hill (F)

Age

32

Blood

one known

Post Office,

Monticello Tex.

Father:

George Hill

D

Mother:

Lucinda

L.

Claims through

mother.

~~Children:~~

claims for self alone

Stenographer

R. B. Rosenberg

Lee Hill

REFUSED

ACTING

NOV 21 1960

CONFIDENTIAL ACTION  
APPLICANT

AND ORGANIZATION

DEC 2 1960

REFER TO M. C. R. 7168

Choctaw MCR 7176

Josie Campbell

MCR 7176

#7176

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskegee, I. T., March 20, 1903.

-----  
In the matter of the application of Josie Campbell for  
the identification of herself as a Mississippi Choctaw.

Appearance: S. B. Daves, attorney for applicant.

Josie Campbell, being first duly sworn, testified as  
follows:

Examination by the Commission:

- Q What is your name? A Josie Campbell.  
Q How old are you? A Twenty-six.  
Q What is your post office address? A Tuttle, I. T.  
Q How long have you lived there? A Nine years.  
Q Where did you live before that? A In Texas.  
Q Were you born in Texas? A Yes.  
Q You lived there all your life until you came to the Territory?  
A Yes, sir.  
Q What is your father's name? A John M. Jones.  
Q Is he living? A Yes, sir.  
Q What is your mother's name? A Ann M. Jones.  
Q Is she living? A No, sir.  
Q Through which parent do you claim your Choctaw blood? A My  
father.  
Q How much Choctaw blood do you claim? A One-sixteenth.  
Q Has your father, through whom you claim the right to identi-  
fication as a Mississippi Choctaw, ever been recognized in any  
manner or enrolled as a member of the Choctaw tribe of Indians  
by the Choctaw tribal authorities or the authorities of the Uni-  
ted States? A No, sir.  
Q Through which one of his parents does your father derive his  
Choctaw blood? A His father.  
Q What is his name? A Robert Jones.  
Q How old would Robert Jones be if living now? A I don't know.  
Q How old is your father? A Seventy-two.  
Q Did he have any elder brothers or sisters? A Yes, sir.  
Q Then Robert Jones was the head of a family in 1836? A Yes.  
Q Through which one of his parents did Robert Jones claim his Cho-  
ctaw blood? A His mother.  
Q What was her name? A Rebecca Box.  
Q Then you claim through your grand-mother, Rebecca Box? A Yes,  
sir.  
Q Are you married? A Yes, sir.  
Q What is your husband's name? A Charles Campbell.  
Q Is he a white man? A He is a recognized and enrolled citizen of  
the Choctaw Nation?  
Q You do not desire to make application for him? A No.  
Q This application then is for yourself alone? A Yes, sir.  
Q Is your name to be found on any of the tribal rolls of the Cho-  
ctaw Nation? A No, sir.  
Q Did you or did any one for you ever make application to the  
Choctaw tribal authorities for citizenship in that Nation? A  
No, sir.

Josie Campbell -----2.

- Q Did you, or did any one for you, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No.
- Q Is this the first application of any description that has ever been made on your behalf for citizenship in the Choctaw Nation? A Yes, sir.
- Q You appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands under the provisions of article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand article fourteen of that treaty? A Yes, sir.

Article fourteen reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six-hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Is that the provision of law under which you are claiming the right to identification as a Mississippi Choctaw? A Yes, sir.
- Q What is the name of your Choctaw ancestor through whom you are claiming the right to identification? A Robert Jones.
- Q Did any of your Choctaw ancestors comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A I don't know.
- Q Were any of your Choctaw ancestors living in the old Choctaw Nation in 1830 when this treaty was made? A I don't know.
- Q Were any of your Choctaw ancestors recognized and enrolled members of the Choctaw tribe of Indians? A I don't know.
- Q Did any of your Choctaw ancestors own an improvement in what constituted the old Choctaw Nation in Mississippi and Alabama in 1830 when this treaty was made? A I don't know.
- Q Did any of your Choctaw ancestors remove from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, at the time of the removal of the greater portion of the Choctaw Indians between the years 1833 and 1838? A I don't know.
- Q Did any of your Choctaw ancestors, within six months after the ratification of the treaty of 1830, signify to the Indian Agent in Mississippi at that time an intention to remain in the old Choctaw Nation, take land there and become citizens of the states? A I don't know.



Josie Campbell -----3.

In accordance with the provisions of article fourteen of the treaty of 1830, the government directed an Agent in Mississippi to register the names of those Choctaws who might desire to remain in the old Choctaw Nation and comply with article fourteen of that treaty. The records of the government show that this Agent failed to register and report the names of a great many Choctaws who really did signify to him their intention to remain in the old Choctaw Nation, take land there and become citizens of the states. On this account, in many instances, the lands on which these Indians lived and had improvements and which they desired to have reserved for them, were sold by the government at its public land sales. This caused much complaint among the Choctaws and the matter was finally brought to the attention of Congress, and Congress, by acts passed March 3, 1837 and August 23, 1842, appointed Commissions whose duty it was to go to Mississippi and investigate the claims of these Choctaws.

- Q Did any of your Choctaw ancestors appear before either of these Commissions appointed in 1837 and in 1842 and attempt to establish their rights under the provisions of article fourteen of the treaty of 1830? A I don't know.

The act of Congress approved August 23, 1842, provided, that in case it should be finally determined that a Choctaw Indian had complied in all respects with the provisions of article fourteen of the treaty of 1830 but that his land had been sold by the government, he should be entitled to select land elsewhere in the states of Mississippi, Alabama, Louisiana, or Arkansas, to be taken from vacant government land, and that a certificate to that effect should be given him. These certificates were called scrip.

- Q Did any of your Choctaw ancestors receive any such scrip from the government under that act of Congress? A I don't know.  
Q So far as you know have any of your Choctaw ancestors ever been recognized members of the Choctaw tribe of Indians? A I don't know.  
Q Have they ever received any benefits from the government as Choctaw Indians? A No, sir.  
Q Have you any witnesses? A No.  
Q Have you any documentary evidence to offer? A No.  
Q Do you desire time in which to introduce additional testimony in support of your claim? A Yes, sir.

You will be allowed thirty days from the date of this application within which to introduce additional evidence in support of the claim which you now make for identification as a Mississippi Choctaw.

- Q Do you speak or understand the Choctaw language? A No.  
Q Are there any further statements you desire to make? A No.  
Q Your father, John W. Jones, has appeared before the Commission? A Yes, sir.  
Q What relation is Willis C. Jones to you? A An uncle.

Reference is made to the case of Willis C. Jones, M.C.R. 6755, for the purpose of consolidation.

Josie Campbell -----4.

This applicant has the appearance of being a white person; has dark complexion, gray eyes, dark brown hair; has none of the physical characteristics of a Choctaw Indian; has no knowledge of any compliance on the part of her Choctaw ancestors with the provisions of article fourteen of the treaty of 1830.

-----

R. B. Eisenberg, being first duly sworn, states on his oath that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on the 20th day of March, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

*R. B. Eisenberg*

Subscribed and sworn to before me this 27th day of April, 1903.

*Charles H. Sawyer*  
Notary Public.

COPY.

M.C.R. 7176

Kuskogee, Indian Territory, March 17, 1904.

Josie Campbell,

Tuttle, Indian Territory.

Dear Madam:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 14, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Willis Cornelius Jones, et al., including you.

You are further notified that you will be allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Commissioner in Charge.

Registered.

MCR-7176

COPY.

Muskogee, Indian Territory, January 23, 1906.

Josie Campbell,

Tuttle, Indian Territory.

Dear Madam:

You are hereby notified that the Secretary of the Interior, on January 10, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of March 14, 1904, refusing the applications of the several persons included in the consolidated Mississippi Choctaw case of Willis Cornelius Jones, et al., of which, your application for identification as a Mississippi Choctaw is a part.

Respectfully,

SIGNED

*Tamr Bixby.*

Commissioner.

No. 7176

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 20 1903  
Name Jocie Campbell  
Age 26 Blood  $\frac{1}{16}$

Post Office, Tuttle, I T

Father: John M. Jones X  
Mother: Ann E. D

Claims through father  
Husband;

Charles Campbell, Jr  
(No claim for him),

Children:

~~No~~ (Claims for self only,

Stenographer R. B. Eisenberg

COMMISSIONERS  
JAMES HIGGS,  
THOMAS B. HENRIKSEN,  
C. E. BRECKENRIDGE

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE PUBLIC LANDS

REPORT IN REPLY TO THE FOLLOWING

W. H. HALL  
J. H. HALL

Copy of testimony in this case furnished S. B. Dawes, Apr. 20/04  
See M C R 6755

*Jose Campbell*  
DECISION RENDERED.

MAR 14 1904

NOTICE OF DECISION MAILED APPLICANTS

MAR 17 1904

NOTICE OF DECISION FORWARDED  
ATTORNEY FOR APPLICANTS.

MAR 17 1904

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

MAR 17 1904

RECEIVED DEPARTMENT

ACTION APPROVED BY SECRETARY OF INTERIOR

JAN 10 1906

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

JAN 22 1906

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT.

JAN 23 1906

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

JAN 23 1906

REFER TO M. C. R. 0-100

Choctaw MCR 7177

Lydia Parrish

MCR 7177



#7177.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I.T., March 20, 1903.

-----

In the matter of the application of Lydia Parrish for the identification of herself and her six minor children, Efford, Lessie, Atoka, Chester, Omy and Otto Parrish, as Mississippi Choctaws.

Appearance: S. B. Daves, attorney for applicants.

Lydia Parrish, being first duly sworn, testified as follows:

- Q What is your name? A Lydia Parrish.  
Q How old are you? A Thirty-five.  
Q What is your post office address? A Cons, Texas.  
Q How long have you lived there? A All my life.  
Q Were you born there? A Yes, sir.  
Q And have always lived there? A Yes, sir.  
Q What is your father's name? A John N. Jones.  
Q Is he living? A Yes, sir.  
Q What is your mother's name? A Ann E. Jones.  
Q Is she living? A No, sir.  
Q Through which parent do you claim your Choctaw blood? A My father.  
Q How much Choctaw blood do you claim? A One-sixteenth.  
Q Has your father, through whom you claim the right to identification ever been recognized in any manner or enrolled by the Choctaw tribal authorities or the authorities of the United States as a member of that tribe of Indians? A Not that I know of.  
Q Through which one of his parents did your father derive his Choctaw blood? A His father.  
Q What was his name? A Robert Jones.  
Q What was the name of your father's mother? A Malinda Jones.  
Q Is she a white woman? A Yes, sir.  
Q She has no Choctaw blood? A No.  
Q How old is your father at this time? A Seventy-two.  
Q Through which one of his parents did Robert Jones claim his Choctaw blood? A His mother.  
Q What was her name? A Rebecca Bex.  
Q Was she married? A Yes, sir.  
Q What is your husband's name? A Rufus M. Parrish.  
Q Is he a white man? A Yes, sir.  
Q He has no Choctaw blood? A No.  
Q You make no claim for him? A No.  
Q Is he living? A Yes, sir.  
Q Have you any minor children for whom you wish to make application? A Yes, sir, six.  
Q What are their names and ages? A Efford (boy) 12; Lessie (girl) 10; Atoka (girl) 8; Chester, 5; Omy (boy) 4, and Otto, 2.  
Q This application then is for yourself and your six minor children? A Yes, sir.  
Q Are you the mother of all these children? A Yes.  
Q Is Rufus M. Parrish the father? A Yes, sir.  
Q These children claim their Choctaw blood through you? A Yes.

Lydia Parrish -----2.

- Q Is your name or are the names of any of these minor children, to be found upon the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
- Q Did you, or did any one for you, or for your minor children, ever make application for citizenship in the Choctaw Nation to the Choctaw tribal authorities? A No, sir.
- Q Did you, or did any one for you or for your minor children, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress approved June 10, 1896? A No, sir.
- Q This is the first application that has ever been made for citizenship in the Choctaw Nation for yourself or for any of your minor children? A Yes, sir.
- Q You appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands under the provisions of article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand article fourteen of that treaty? A Yes, sir.

Article fourteen of the treaty of 1830 reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six-hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Is that the provision of law under which you are claiming the right to identification as a Mississippi Choctaw? A Yes, sir.
- Q What is the name of your Choctaw ancestor through whom you claim? A Robert Jones.
- Q Were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians? A I don't know.
- Q Were any of your Choctaw ancestors living in the old Choctaw Nation in 1830? A I don't know.
- Q Did any of your Choctaw ancestors comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A Not that I know of.
- Q Did any of your Choctaw ancestors, within six months after the ratification of the treaty of 1830 signify to the Agent in Mississippi at that time an intention to remain in the old Choctaw Nation, take land there and become citizens of the states? A Not that I know of.
- Q Did any of your Choctaw ancestors ever claim or receive any land under article fourteen of the treaty of 1830? A No.

Lydia Parrish -----3.

In accordance with the provisions of article fourteen of the treaty of 1830 the government directed an Agent in Mississippi to register the names of all those Choctaws who might desire to remain in the old Choctaw Nation and comply with the provisions of that article. The records of the government show that this Agent failed to register and report the names of a great many Choctaws who really did signify to him their intention to remain in the old Choctaw Nation, take land there and become citizens of the states. On this account, in many instances, the lands on which these Choctaws lived and had improvements, and which they desired to have reserved for them, were sold by the government at its public land sales, and the Indians deprived of their land. This caused much complaint among the Choctaws and the matter was finally brought to the attention of Congress, and Congress, by acts passed March 3, 1837, and August 23, 1842, created Commissions whose duty it was to go to Mississippi and investigate these claims.

- Q Did any of your Choctaw ancestors appear before either of these Commissions appointed in 1837 or in 1842, and attempt to establish their rights under the provisions of article fourteen of the treaty of 1830? A I don't know.

The act of Congress approved August 23, 1842, provided, that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article fourteen of the treaty of 1830, but that his land had been sold by the government, he should be entitled to select land elsewhere in the states of Mississippi, Alabama, Louisiana or Arkansas, to be taken from government land, and that a certificate should be given him to that effect. These certificates were called scrip.

- Q Did any of your Choctaw ancestors ever receive any such scrip from the government under that act of Congress? A I don't know.  
Q So far as you know, were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians? A I don't know.  
Q Did they ever receive any benefits as Choctaw Indians? A I don't know.  
Q Have you any witnesses? A No, sir.  
Q Have you any documentary evidence you wish to offer? A No, sir.  
Q Do you desire time in which to introduce further testimony? A Yes.

Thirty days from the date of this application will be allowed you within which to introduce additional testimony in support of your claim.

- Q Do you speak the Choctaw language? A No, sir.  
Q Are there any further statements you wish to make? A No.  
Q Your father, John W. Jones, has appeared before the Commission? A Yes, sir.  
Q Your sister, Josie Campbell, has also appeared? A Yes, sir.  
Q What relation is Willis C. Jones to you? A An uncle.

Reference is made to the case of Willis C. Jones, M. C. R. 6755, for the purpose of consolidation.

Lydia Parrish -----4.

Applicant has the appearance of being a white person; has dark complexion, brown eyes, black hair, and may possess some Indian blood; has no knowledge of any compliance on the part of her Choctaw ancestors with the provisions of article fourteen of the treaty of 1830.

-----

R. B. Eisenberg, being first duly sworn, states on his oath that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on the 20th day of March, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings taken on said date.

*R. B. Eisenberg*

Subscribed and sworn to before me this 27th day of April, 1903.

*Charles H. Sawyer*

Notary Public.

M.C.R.7177

Muskogee, Indian Territory, March 17, 1904.

Lydia Parrish,

Cono, Texas.

Dear Madam:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 14, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Willis Cornelius Jones, et al., including you and your children, Efford, Lessie, Atoka, Chester, Omy and Otto Parrish.

You are further notified that you will be allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*J. R. Brockman*

Commissioner in Charge.

Registered.

MOR-7177

COPY.

Muskogee, Indian Territory, January 23, 1906.

Lydia Parrish,

Cono, Texas.

Dear Madam:

You are hereby notified that the Secretary of the Interior, on January 10, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of March 14, 1904, refusing the applications of the several persons included in the consolidated Mississippi Choctaw case of Willis Cornelius Jones, et al., of which, the application for the identification of yourself and minor children, Efford, Lessie, Atoka, Chester, Amy and Otto Parrish, as Mississippi Choctaws, is a part.

Respectfully,

SIGNED *James Bixby.*  
Commissioner.

COMMISSIONERS

TAMS BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE

WM O BEALL,  
SECRETARY

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Copy of testimony in this case furnished S. B. Dawes, Apr. 20/04  
See M C R 6755

No. 7177

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 20 1903

Name Lydia Parrish

Age 35 Blood  $\frac{1}{16}$

Post Office, Com<sup>E</sup> Texas.

Father: John N. Jones L

Mother: Ann E. S.

Claims through father

Husband

Rufus M. Parrish L

(No claim for him)

Children:

Efford Parrish (M) 12

Lessie " (F) 10

Atoka " (F) 8

Lechester " 5

Omy " (M) 4

Otto " 2.

Claims for self - 6

minor children

Stenographer R B Kienburg



*Hydia Parrish, et al*  
DECISION RENDERED.

MAR 14 1904

NOTICE OF DECISION MAILED APPLICANT.

MAR 17 1904

NOTICE OF DECISION FORWARDED  
ATTORNEY FOR APPLICANTS.

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

MAR 17 1904

RECORDS DIVISION DEPARTMENT

ACTION APPROVED BY SECRETARY OF INTERIOR

JAN 10 1906

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

JAN 2 1906

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT

JAN 2 1906

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

JAN 22 1906

REFER TO M. C. R.

Choctaw MCR 7178

Ella Traylor

MCR 7178

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T. March 20, 1903.

-----

In the matter of the application of Ella Traylor for the identification of herself and her two minor children, Tillman and Lillie Traylor, as Mississippi Choctaws.

Ella Traylor, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Ella Traylor.  
Q How old are you? A Thirty.  
Q What is your post office address? A Monticello, Texas.  
Q How long have you lived there? A 17 years.  
Q Were you born in Texas? A Yes.  
Q What is your father's name? A George Hill.  
Q Is he living? A No.  
Q What is your mother's name? A Lucinda Hill.  
Q Is she living? A Yes.  
Q You claim through your mother? A Yes, sir.  
Q How much Choctaw blood do you claim? A I don't know.  
Q Has your mother, through whom you claim the right to identification, ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States? A No, sir.  
Q Through which one of her parents does your mother derive her Choctaw blood? A Her father.  
Q What was his name? A Henry McCullars.  
Q How old is your mother at this time? A 70.  
Q Do you know through which one of his parents Henry McCullars claims his Choctaw blood? A I don't know.  
Q Are you married? A Yes.  
Q What is your husband's name? A Tom Traylor.  
Q Is he a white man? A Yes.  
Q He claims no Choctaw blood? A No, sir.  
Q You make no claim for him? A No, sir.  
Q Have you any minor children for whom you wish to make application? A Yes.  
Q What are their names and ages? A Tillman, 11; Lillie, 9.  
Q You claim for yourself and your two minor children? A Yes.  
Q Are you the mother of these children? A Yes, sir.  
Q Is Tom Traylor the father? A Yes, sir.  
Q These children claim their Choctaw blood through you? A Yes.  
Q Is your name or are the names of either of these children to be found on any of the tribal rolls of the Choctaw Nation? A I don't know.  
Q Did you, or did any one for you, or for your minor children, ever make application to the Choctaw tribal authorities to be enrolled as members of that tribe of Indians? A No.  
Q Did you, or did any one for you, or for your minor children, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No, sir.  
Q Is this the first application of any description that you have ever made for citizenship in the Choctaw Nation? A Yes, sir.

Ella Traylor -----3.

- Q You appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and minor children under the provisions of article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand that article? A Yes, sir.

Article fourteen reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six-hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of the treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q That is the provision of law under which you are claiming the right to identification as a Mississippi Choctaw? A Yes, sir.
- Q What is the name of your Choctaw ancestor through whom you claim this right? A Henry McCullars.
- Q Were any of your Choctaw ancestors living in the old Choctaw Nation in 1830 when this treaty was ratified? A I don't know.
- Q Did any of your Choctaw ancestors comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A Not that I know of.
- Q Did any of your Choctaw ancestors own an improvement on land in what constituted the old Choctaw Nation in 1830? A I don't know.
- Q Did any of your Choctaw ancestors remove from that old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation Indian Territory at the time of the removal of the greater portion of the Choctaw Indians between the years 1833 and 1838? A I don't know.
- Q Did any of your Choctaw ancestors, within six months after the ratification of the treaty of 1830, signify to the Agent in Mississippi at that time an intention to remain in the old Choctaw Nation, take land there and become citizens of the states? A I don't know.
- Q Did any of your Choctaw ancestors ever claim or receive any land from the United States government under the provisions of article fourteen of the treaty of 1830? A Not that I know of.

In accordance with the provisions of article fourteen of the treaty of 1830 the government directed an Agent in Mississippi to register the names of all those Choctaws who might de-

Ella Traylor -----3.

sire to remain in the old Choctaw Nation and comply with the provisions of article fourteen of that treaty. The records of the government show that this Agent failed to register the names of a great many Choctaws who really did signify to him their intention to remain in the old Choctaw Nation, take land there and become citizens of the states. On this account, in many instances, the lands on which these Indians lived and had improvements, were sold by the government at its public land sales and the Indians were deprived of their land. This caused much complaint among the Choctaws and the matter was finally brought to the attention of Congress, and Congress, by acts passed March 3, 1837, and August 23, 1842, appointed Commissions whose duty it was to go to Mississippi and hear these claims.

- Q Did any of your Choctaw ancestors appear before either of these Commissions appointed in 1837 and in 1842 and attempt to establish their rights under the provisions of article fourteen of the treaty of 1830? A I don't know.

The act of Congress approved August 23, 1842, provided, that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article fourteen of the treaty of 1830, but that his land had been sold by the government, he should be entitled to select land elsewhere in the states of Mississippi, Alabama, Louisiana, or Arkansas, to be taken from vacant government land, and that a certificate to that effect should be given him. These certificates were called scrip.

- Q Did any of your Choctaw ancestors ever receive any such scrip from the government under that act of Congress? A I don't know.
- Q Have any of your Choctaw ancestors ever been recognized members of the Choctaw tribe of Indians? A I don't know.
- Q Have any of them ever received any benefits as such? A I don't know.
- Q Do you speak the Choctaw language? A No.
- Q Are there any further statements you wish to make? A No.
- Q Do you desire time in which to present further evidence? A Yes.

You will be allowed thirty days from the date of this application within which to introduce additional evidence in support of your claim.

- Q Have you any witnesses? A No.
- Q Have you any documentary evidence? A No.
- Q Your mother, Lucinda Hill, has appeared before the Commission and made application? A Yes.
- Q Also other members of your family have been before the Commission to make application for identification as Mississippi Choctaws? A Yes, sir.
- Q You wish your case considered with theirs? A Yes.

Reference is made to the case of Lucinda Hill, M.C.R. 7168, for the purpose of consolidation.

Applicant has the appearance of being a white person; shows no indication of possessing Choctaw blood, dark complex-

Ella Traylor -----4.

ian, blue eyes, light hair; has no knowledge of any compliance on the part of her Choctaw ancestors with the provisions of article fourteen of the treaty of 1830.

-----  
R. B. Eisenberg, being first duly sworn, states on his oath that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on the 20th day of March, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings taken on said date.

*R. B. Eisenberg*

Subscribed and sworn to before me this 15th day of May, 1903.

*Charles H. Sawyer*

Notary Public.

M C R 7178

Muskogee, Indian Territory, April 13, 1903.

Ella Traylor,

Monticello, Texas.

Dear Madam:

Receipt is hereby acknowledged of certificate of O. M. Tabb, county clerk of Titus county, Texas, relative to the destruction by fire of the Titus county court house, together with all records of said county, including record of marriages; also affidavit of H. L. Murphy to the marriage of T. W. Traylor and Ella Traylor, offered in support of the application made by you for the identification of yourself and minor children as Mississippi Choctaws. The same have been filed with the record in your case.

Respectfully,

Chairman.

COPY.

M.C.R. 7178

Muskogee, Indian Territory, August 1, 1903.

Ella Traylor,

Monticello, Texas.

Dear Madam:

You are hereby advised that on the 1st day of August, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lucinda Hill, et al., embracing the following applications for identification as Mississippi Choctaws:

Lucinda Hill,	M.C.R.	7168
Mollie Murphy, et al.,	"	7171
Margaret Murphy,	"	7180
Isaiah Hill,	"	7172
Albert Hill, et al.,	"	7174
Allen M. Hill, et al.,	"	7179
Lee Hill,	"	7175
Ella Traylor, et al.,	"	7178

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lucinda Hill, Mollie Murphy, Rosa Murphy, Pearl Murphy, Attie



Murphy, Clifford Murphy, Anderson Murphy, Margaret Murphy, Isaiah Hill, Albert Hill, George W. Hill, Bennie Hill, Lodie Hill, Allie Hill, John Hill, Claudie Hill, Eva May Hill, Bessie Hill, Allen M. Hill, Tom Hill, Nannie Hill, Maudie Hill, Lee Hill, Ella Traylor, Tillman Traylor and Lillie Traylor, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*I. B. Needles.*  
Commissioner in Charge.

Registered.

M.O.R.7178.

COPY.

Muskogee, Indian Territory, December 3, 1903.

Ella Traylor,  
Monticello, Texas.

Dear Madam:

You are hereby notified that on the 21st day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lucinda Hill et al., of which decision you were advised by registered mail on the 1st day of August, 1903.

Respectfully,

*Tamr Birby.*  
Chairman.

12

No. 7178

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 20 1903  
Name Ella Traylor  
Age 30 Blood One known  
Post Office, Monticello, Tex.

Father: George Hill D  
Mother: Lucinda L

Claims through mother

Husband: Tom Traylor, w.  
(No claim for him)

Children:

Tillman Traylor 11  
Lillie 9

(Claims for self & 2 children)

Stenographer R B. [Signature]

88  
Ella Traylor,

REFUSED

DEC 1 1906

NOV 1 1906

ACT

ACT OF

NOV 1 1906

LEGAL ACTION

FOR

DEC 2 1906

FOR  
AND CHIEF DEPARTMENT

DEC 1 1906

REFER TO M. O. R. 7/68

Choctaw MCR 7179

Allen M. Hill

MCR 7179

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Muskogee, I.T., March 20, 1903.

In the matter of the application for identification as a Mississippi Choctaw of Allen M. Hill for himself and three minor children, Tom, Nannie and Maudie Hill.

Examination by the Commission:

- Q. What is your name? A. Allen M. Hill.  
Q. How old are you? A. I am 37.  
Q. What is your postoffice address? A. Macon, Texas.  
Q. Were you born there? A. Yes sir.  
Q. Lived there all your life? A. ~~Yes~~ No sir.  
Q. How long have you lived in Macon? A. About six months.  
Q. Where did you live before then? A. Durant, I.T.  
Q. How long did you live at Durant? A. About 18 months.  
Q. Have you lived in Texas all your life with the exception of the 18 months you lived in Durant? A. Yes sir.  
Q. What is your fathers name? A. George Hill.  
Q. Is he living? A. No sir.  
Q. What is your mother's name? A. Lucinda Hill.  
Q. Is she living? A. Yes sir.  
Q. You claim your Choctaw blood through your mother? A. Yes sir.  
Q. How much Choctaw blood do you claim? A. I don't know.  
Q. Through which one of her parents does your mother claim? A. She claims through her father.  
Q. What was her father's name? A. Henry McCullars.  
Q. What was her mother's mother's name? A. Rebecca Hill.  
Q. Was she a white woman? A. Yes sir.  
Q. She claimed no Choctaw blood? A. No sir.  
Q. Through which one of Henry McCullars parents did he claim his Choctaw blood? A. I don't know.  
Q. Has your mother, through whom you claim your right to identification as a Mississippi Choctaw, ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States? A. I Not that I know of.  
Q. Are you married? A. Yes sir.  
Q. What is your wife's name? A. Mollie Hill.  
Q. Is she a white woman? A. Yes sir.  
Q. Does she claim any Choctaw blood. A. No sir.  
Q. You make no claim for her? A. No sir.  
Q. Is she living? A. Yes sir.  
Q. Have you any minor children for whom you wish to apply? A. Yes sir.  
Q. What are their names and ages? A. Tom.  
Q. How old is Tom? A. Seven.  
Q. Next? A. Nannie.  
Q. How old is Nannie? A. Four.  
Q. Next? A. Maudie.  
Q. How old is Maudie? A. Three.

- Q. This application then is for yourself and three minor children?  
A. Yes sir.
- Q. You are the father of these children? A. Yes sir.
- Q. Is Mollie Hill their mother? A. Yes sir.
- Q. These children claim their Choctaw blood through you? A. Yes sir.
- Q. When and where were you married? A. Eight years ago last December.
- Q. Where? A. In Franklin County, Texas.
- Q. Have you your marriage certificate with you? A. No sir.
- It will be necessary that you furnish the Commission with a certified copy of your marriage certificate in support of your application ~~is~~ for identification as a Mississippi Choctaw. Thirty days time will be allowed for this purpose.
- Q. Is your name or the name of any one of these minor children to be found upon any of the tribal rolls of the Choctaw Nation in Indian Territory? A. No sir.
- Q. Did you or any one for you ever make application to the Choctaw tribal authorities in the Indian Territory for enrollment as a member of that tribe? A. Not that I know of.
- Q. Did you or any one for you or your minor children in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress approved June 10, 1896? A. No sir.
- Q. Is this the first application of any description for citizenship in the Choctaw nation that you have ever made? A. Yes sir.
- Q. Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the provisions of the 14th article of the treaty of 1830?  
A. Yes sir.
- Q. Article 14 of that treaty reads as follows: "Each Choctaw head of a family, being desirous to remain and become a citizen of the states, shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey, in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to each child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the states, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity". This is the provision of law under which you claim your right to identification as a Mississippi Choctaw. A. Yes sir.
- Q. You understand that article, do you? A. Yes sir.
- Q. What was the name of your Choctaw ancestor who was living in Mississippi and the head of a family in the year 1830, when the treaty of Dancing Rabbit Creek was made. A. Henry McCullars.
- Q. Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of the 14th article of the treaty of 1830. A. I don't know.
- Q. Were any of your Choctaw ancestors living in the old Choctaw nation in Mississippi and Alabama in 1830 when this treaty was made? A. I don't know.
- Q. Were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians in the year 1830 when that treaty was made? A. I don't know.

- Q. Did any of your Choctaw ancestors own any improvements at that time upon what constituted the old Choctaw nation in Mississippi and Alabama? A. I don't know.
- Q. Did any of your Choctaw ancestors remove from the old Choctaw nation in Mississippi and Alabama to the present Choctaw nation in the Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A. I don't know.
- Q. Did any of your Choctaw ancestors within six months from the date of the ratification of the treaty of Dancing Rabbit Creek signify to the agent of the government in Mississippi at that time their intention to remain in Mississippi, take land there and become citizens of the states as provided in the 14th article? A. I don't know.
- Q. Did any of your Choctaw ancestors ever claim or receive any land in Mississippi from the government of the United States as provided in article 14 of the treaty of Dancing Rabbit Creek? A. I don't know.
- Q. In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the government directed an agent in Mississippi to register the names of those Choctaws who might desire to remain in Mississippi and become citizens of the states. The records of the government show that this agent failed to register the names of a great many Choctaws who really did signify their intention to remain in Mississippi and take land under the provisions of the 14th article of the treaty of Dancing Rabbit Creek. On this account in a great many instances, the land upon which Choctaws had improvements and which they desired reserved for them under article 14, was sold by the government and the Choctaws deprived of their lands. This caused a great deal of complaint among the Indians and in 1837 and 1842 Congress, by acts passed in those years, created Commissions to go to Mississippi and hear claims of Choctaws who claimed that they complied with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but had received no benefits thereunder. Did any of your Choctaw ancestors appear before either of these commissions appointed under the acts of Congress March 3, 1837 or August 23, 1842, and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A. I don't know.
- Q. The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with all the provisions of article 14 of the treaty of 1830, but that his land had been sold by the government, he should be entitled to select land elsewhere in the states of Mississippi, Alabama, Louisiana or Arkansas to be taken from vacant government land, and that a certificate to that effect should be given him. These certificates were called scrip. Did any of your Choctaw ancestors ever receive any such scrip from the United States under this act of Congress? A. Not that I know of.
- Q. So far as you know were any of your Choctaw ancestors ever recognized members of the Choctaw tribe of Indians? A. I don't know.
- Q. So far as you know did they ever receive any benefits whatever as Choctaw Indians? A. No sir.
- Q. Have you any witnesses that you desire to introduce? A. No sir.
- Q. Have you any documentary evidence? No sir.
- Q. Do you desire time in which to present further testimony. A. Yes sir.
- Q. You will be allowed 30 days from this date within which to



4 - Allen M. Hill et al.

to present such evidence as you desire in support of this application.

- Q. Your mother, Lucinda Hill, has appeared before the Commission to make application, has she not? A. Yes sir.  
Q. Also your brothers and sisters? A. Yes sir.  
Q. Do you desire your case considered with theirs? A. Yes sir.

Reference is made to the case of Lucinda Hill, M.C.R. 7168 for the purpose of consolidation.

- Q. Do you speak or understand the Choctaw language? A. No sir.  
Q. Have you any further statement you wish to make? A. No sir.

This applicant has the appearance of being a white person, and shows no indication of being possessed of Choctaw blood. Light complexion, light brown hair, sandy mustache, blue eyes, has no knowledge of compliance upon the part of his ancestors with the provisions of the 14th article of the treaty of 1830.

May Hudson upon oath states that as stenographer to the Commission to the Five Civilized Tribes she correctly recorded the testimony in the above entitled cause, and that the foregoing is an accurate transcript of her stenographic notes thereof.

*May Hudson.*

Subscribed and sworn to before me this March 20, 1903.

*W. O. Beall*

Notary Public.

M C R 7179

Muskogee, Indian Territory, April 16, 1903.

A. M. Hill,  
Monticello, Texas.

Dear Sir:

Receipt is hereby acknowledged of certified copy of marriage license and certificate between A. M. Hill and Mollie E. Smith, offered in support of the application made by you for the identification of yourself and minor children as Mississippi Choctaws. The same has been filed with the record in your case.

Respectfully,

M.C.R. 7179

COPY.

Muskogee, Indian Territory, August 1, 1903.

Allen K. Hill,

Macon, Texas.

Dear Sir:

You are hereby advised that on the 1st day of August, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lucinda Hill, et al., embracing the following applications for identification as Mississippi Choctaws:

Lucinda Hill,	M.C.R. 7168
Mollie Murphy, et al.,	" 7171
Margaret Murphy,	" 7180
Isaiah Hill,	" 7172
Albert Hill, et al.,	" 7174
Allen K. Hill, et al.,	" 7179
Lee Hill,	" 7176
Ella Traylor, et al.,	" 7178

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of

Lucinda Hill, Nellie Murphy, Rosa Murphy, Pearl Murphy, Attie Murphy, Clifford Murphy, Anderson Murphy, Margaret Murphy, Isaiah Hill, Albert Hill, George W. Hill, Bennie Hill, Ludie Hill, Allie Hill, John Hill, Claudie Hill, Eva May Hill, Bessie Hill, Allen M. Hill, Tom Hill, Nannie Hill, Maudie Hill, Lee Hill, Ella Traylor, Tillman Traylor and Lillie Traylor, as Cheetaw Indians entitled to rights in the Cheetaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*T. B. Needles.*  
Commissioner in Charge.

Registered.

COPY.

M.G.R. 7179.

Muskogee, Indian Territory, December 8, 1903.

Allen M. Hill,  
Macon, Texas.

Dear Sir:

You are hereby notified that on the 21st day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lucinda Hill et al., of which decision you were advised by registered mail on the 1st day of August, 1903.

Respectfully,

(SIGNED)

*Tams Bixby.*  
Chairman.

No.

7179

## FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 20 1903

Name

Allen M Hill

Age

37

Blood

Dut know

Post Office,

Macon, Texas

Father:

George Hill D

Mother:

Lucinda L

Claims through Mother

Wife Mollie Hill, w L

(No claim for her)

Children:

Tom Hill 7

Nannie " 4

Maudie " 3

(Claims for self 3 children)

Stenographer

R B Greenberg

Transcribed by May Hudson

Allen M. ...

# REFUSED

U.S. DEPARTMENT OF JUSTICE

ALBANY, N.Y.

ACTION ... OF INTERIOR.

FOR ...

RECEIVED

FOR ... AND ...

RECEIVED

REFER TO M. C. R. 7/68

DO appears to be Monticello

Choctaw MCR 7180.

Margaret Murphy

MCR 7180



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskegee, I. T. March 20, 1903.

In the matter of the application of Margaret Murphy for the identification of herself as a Mississippi Choctaw.

Margaret Murphy, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Margaret Murphy.  
Q How old are you? A 22.  
Q What is your post office address? A Monticello, Texas.  
Q How long have you lived at Monticello? A About 17 years.  
Q Were you born in Texas? A Yes, sir.  
Q Have you lived there all your life? A Yes, sir.  
Q What is your father's name? A Henry Murphy.  
Q Is he living? A Yes.  
Q What is your mother's name? A Mollie Murphy.  
Q Is she living? A Yes, sir.  
Q Through which one of your parents do you claim your Choctaw blood?  
A My mother.  
Q How much Choctaw blood do you claim? A I don't know.  
Q Has your mother, through whom you claim the right to identification, ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States? A No, sir.  
Q Through which one of her parents did your mother claim her Choctaw blood? A Her mother.  
Q What was her name? A Lucinda Hill.  
Q What was your mother's father's name? A George Hill.  
Q He was a white man? A Yes, sir.  
Q He had no Choctaw blood? A No.  
Q Through which one of her parents did Lucinda Hill derive her Choctaw blood? A Her father, Henry McCullars.  
Q Do you know through which parent Henry McCullars claimed his Choctaw blood? A I think his mother.  
Q You are not able to trace your ancestry any further back than Henry McCullars? A No, sir.  
Q Are you married? A No.  
Q You claim for yourself alone? A Yes, sir.  
Q Is your name to be found on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.  
Q Did you, or did any one for you make application to the Choctaw tribal authorities in Indian Territory to be enrolled as a member of that tribe of Indians? A No, sir.  
Q Did you, or did any one for you, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No.  
Q Is this the first application of any description that has ever been made by you or on your behalf? A Yes, sir.  
Q You appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the provisions of article fourteen of the treaty of 1830? A Yes.

Margaret Murphy -----2.

Q Do you understand that article? A Yes, sir.

Article fourteen reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over the age of ten years, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Is that the provision of law under which you are claiming the right to identification as a Mississippi Choctaw? A Yes.
- Q What is the name of your Choctaw ancestor through whom you claim this right? A Henry McCullars.
- Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A I don't know.
- Q Were any of your Choctaw ancestors living in the old Choctaw Nation in 1830 when this treaty was ratified? A Henry McCullars, I suppose.
- Q Were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians at that time? A I don't know.
- Q Did any of your Choctaw ancestors own an improvement at that time in what constituted the old Choctaw Nation? A I don't know.
- Q Did any of your Choctaw ancestors remove from that old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation Indian Territory at the time of the removal of the greater portion of the Choctaw Indians between the years 1833 and 1838? A I don't know.
- Q Did any of your Choctaw ancestors, within six months after the ratification of the treaty of 1830, signify to the Agent in Mississippi at that time an intention to remain in the old Choctaw Nation, to take land there and become citizens of the states? A I don't know.
- Q Did any of your Choctaw ancestors ever claim or receive any land from the government under the provisions of article fourteen of the treaty of 1830? A No, sir.

In accordance with the provisions of article fourteen of the treaty of 1830, the government directed an agent in Mississippi to register the names of all these Choctaws who might desire to remain in the old Choctaw Nation and comply with the provisions of that article. The records of the government show that this agent failed to register and report the names of a great many Choctaws who really did signify to him their intention to remain in the old Choctaw Nation, take land there and become citizens of the states. On this account, in many

Margaret Murphy -----3.

instances, the land on which these Indians lived and had improvements, and which they desired to have reserved for them, was sold by the government at its public land sales and the Indians deprived of their land. This caused much complaint among the Choctaws and the matter was finally brought to the attention of Congress, and Congress, by acts passed March 3, 1837, and in 1842, appointed Commissions whose duty it was to go to Mississippi and investigate the claims of these Choctaws.

- Q Did any of your Choctaw ancestors appear before either of these Commissions appointed in 1837 and in 1842 and attempt to establish their rights under the provisions of article fourteen of the treaty of 1830? A I don't know.

The act of Congress approved August 23, 1842, provided, that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article fourteen of the treaty of 1830, but that his land had been sold by the government, he should be entitled to select land elsewhere in the states of Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant government land, and that a certificate to that effect should be given him. These certificates were called scrip.

- Q Did any of your Choctaw ancestors ever receive any such scrip from the government under that act of Congress? A No.  
Q Have any of your Choctaw ancestors ever been recognized members of the Choctaw tribe of Indians? A No.  
Q Have any of them ever received any benefits from the United States government as such? A No.  
Q Have you any witnesses? A No, sir.  
Q Have you any documentary evidence to present? A No, sir.  
Q Do you desire time in which to introduce further evidence? A Yes.

Thirty days from the date of this application will be allowed in which to introduce additional evidence in support of the claim which you make to identification as a Mississippi Choctaw.

- Q Do you speak the Choctaw language? A No, sir.  
Q Are there any further statements you wish to make? A No, sir.  
Q Your mother, Nellie Murphy, has appeared before the Commission and made application? A Yes, sir.  
Q Also your grandmother, Lucinda Hill, has been here? A Yes, sir.

Reference is made to the case of Lucinda Hill, M. C. R. 7168 for the purpose of consolidation.

Applicant has the appearance of being a white person; shows no indication of possessing Choctaw blood; light complexioned, light hair, brown eyes; has no knowledge of any compliance on the part of her Choctaw ancestors with the provisions of article fourteen of the treaty of 1830.

Margaret Murphy -----.

R. B. Eisenberg, being first duly sworn, stated on his oath that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on the 30th day of March, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings had on said date.

*R. B. Eisenberg*

Subscribed and sworn to before me this 15th day of May, 1903.

*Charles H. Sawyer*

Notary Public.

COPY.

M.C.R. 7180

Muskogee, Indian Territory, August 1, 1903.

Margaret Murphy,

Monticello, Texas.

Dear Madam:

You are hereby advised that on the 1st day of August, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lucinda Hill, et al., embracing the following applications for identification as Mississippi Choctaws:

Lucinda Hill,	M.C.R. 7168
Mollie Murphy, et al.,	" 7171
Margaret Murphy,	" 7180
Isaiah Hill,	" 7172
Albert Hill, et al.,	" 7174
Allen M. Hill, et al.,	" 7179
Lee Hill,	" 7175
Ella Traylor, et al.,	" 7178

These applications were made under the provision of the act of Congress of June 26, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lucinda Hill, Mollie Murphy, Rosa Murphy, Pearl Murphy, Attie Murphy, Clifford Murphy, Anderson Murphy, Margaret Murphy,

Isaiah Hill, Albert Hill, George W. Hill, Emma Hill, Julia Hill, Allie Hill, John Hill, Elmer Hill, Eva May Hill, Annie Hill, Allen M. Hill, Sam Hill, Hannie Hill, Louise Hill, Lee Hill, Ella Trayler, William Trayler and Hilie Trayler, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*T. B. Needles.*

Commissioner in Charge.

Registered.



M.C.R. 7120.

COPY:

Muskogee, Indian Territory, December 8, 1903.

Margaret Murphy,

Monticello, Texas.

Dear Madam:

You are hereby notified that on the 31st day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lucinda Hill et al., of which decision you were advised by registered mail on the 1st day of August, 1903.

Respectfully,

*Tams Bixby.*  
Chairman.

19

No. 7180

## FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 20 1903

Name Margaret Murphy

Age 22 Blood Don't know.

Post Office, Monticello Texas

Father: Henry Murphy L

Mother: Mollie L

Claims through mother

~~Children:~~

(Claims for self alone)

Stenographer R. B. Eisenberg



[illegible]

"Addition

NO:

## ADDITIONAL ACTION



11/15/21

FEDERAL BUREAU OF INVESTIGATION  
AND  
DEPARTMENT OF JUSTICE

REFER TO M. C. R. 7168

Choctaw MCR 7181

Hattie M. Ogden

MCR 7181

#7181.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T. March 20, 1903.

-----  
In the matter of the application of Hattie M. Ogden for the identification of herself and her five minor children, Ethel, Estelle, Della, Irma and William Ogden as Mississippi Choctaws.

Appearance: Thomas & Harrison, Attorneys for Applicant.

Hattie M. Ogden, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Hattie M. Ogden.  
Q How old are you? A Thirty-seven.  
Q What is your post office address? A Los Angeles, California.  
Q How long have you lived in California? A 29 years.  
Q Where did you live before that? A In Kentucky.  
Q Were you born in Kentucky? A Yes.  
Q What is your father's name? A Richard Cheatham.  
Q Is he living? A No, sir.  
Q What is your mother's name? A Nancy J. Cheatham.  
Q Is she living? A Yes, sir.  
Q Through which one of your parents do you claim your Choctaw blood?  
A My father.  
Q How much Choctaw blood do you claim? A 1/8.  
Q Has your father, through whom you claim the right to identification, ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States? A No, sir.  
Q Through which one of his parents did your father claim his Choctaw blood? A His father.  
Q What was his name? A John Cheatham.  
Q What was the name of John Cheatham's wife? A Harriet Cheatham.  
Q How old would John Cheatham be if living now? A I don't know; my father was 75 when he died.  
Q Do you know when John Cheatham died? A About 1856.  
Q Through which one of his parents did John Cheatham claim his Choctaw blood? A Through his mother.  
Q What was her name? A Polly Harper.  
Q What was Polly Harper's husband's name? A John Cheatham.  
Q Through which one of her parents did Polly Harper claim her Choctaw blood? A Her mother and father both, John Harper and Mary Ann Harper.  
Q Then John Harper was your great-great-grandfather? A Yes.  
Q Are you married? A Yes, sir.  
Q What is your husband's name? A William Ogden.  
Q Is he a white man? A Yes, sir.  
Q He claims no Choctaw blood? A No.  
Q You make no claim for him? A No.

Hattie M. Ogden -----2.

- Q Have you any minor children for whom you wish to apply? A Yes.
- Q What are their names and ages? A Ethel, 17; Estelle, 15; Della, 10; Irma, 7; William, 5.
- Q This application then is for yourself and five minor children? A Yes, sir.
- Q Are you the mother of these children? A Yes, sir.
- Q Is William Ogden the father? A Yes, sir.
- Q Do these children claim their Choctaw blood through you? A Yes, sir.
- Q Is your name or are the names of these minor children to be found on any of the rolls of the Choctaw Nation in Indian Territory? A No, sir.
- Q Did you, or did any one for you, or for your minor children make application to the Choctaw tribal authorities to be enrolled as members of that tribe of Indians? A No, sir.
- Q Did you, or did any one for you, or for these minor children, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No, sir.
- Q Is this the first application of any description for citizenship or enrollment in the Choctaw Nation that has ever been made for you or for any of your minor children? A Yes, sir.
- Q You appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the provisions of article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand that article? A Yes, sir.

Article fourteen reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months after the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity.

- Q Is that the provision of law under which you are claiming the right to identification as a Mississippi Choctaw? A Yes, sir.
- Q What is the name of your Choctaw ancestor through whom you claim the right to identification as such? A John Harper.
- Q Your great-great-grandfather? A Yes, sir.
- Q You had a less remote ancestor who was living and the head of a family in the old Choctaw Nation in 1830 in the person of John Cheatham? A Yes, sir.
- Q He was living and the head of a family in 1830 was he? A Yes, sir.
- Q Have you any evidence of the marriage of your father and mother with you at this time? A That evidence will be filed in the

Hattie M. Ogden -----3.

case of William T. Cheatham.

- Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A Not that I know of.
- Q Were any of your Choctaw ancestors living in the old Choctaw Nation in 1830 when this treaty was made? A I don't know.
- Q Were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians at that time? A I don't know.
- Q Did any of your Choctaw ancestors own an improvement at that time in what constituted the old Choctaw Nation in Mississippi and Alabama? A I don't know.
- Q Did any of your Choctaw ancestors remove from that old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation, Indian Territory at the time of the removal of the greater portion of the Choctaw Indians between the years 1833 and 1838? A I don't know.
- Q Did any of your Choctaw ancestors, within six months after the ratification of the treaty of 1830 signify to the Agent in Mississippi at that time an intention to remain in Mississippi, take land there and become citizens of the states? A I don't know.
- Q Did any of your Choctaw ancestors ever receive or claim any land from the Government in Mississippi as Choctaw Indians? A I don't know.

In accordance with the provisions of article fourteen of the treaty of 1830 the government directed an Agent in Mississippi to register the names of all those Choctaws who might desire to remain in Mississippi and comply with the provisions of that article. The records of the government show that this agent failed to register and report the names of a great many Choctaws who really did signify to him their intention to remain in the old Choctaw Nation to take land there and become citizens of the states. On this account, in many instances, the lands on which these Indians lived and had improvements and which they desired to have reserved for them were sold by the government at its public land sales and the Indians deprived of their land. This caused much complaint among the Choctaws and the matter was finally brought to the attention of Congress, and Congress, by acts passed March 3, 1837 and August 23, 1842, appointed Commissions whose duty it was to go to Mississippi and investigate these claims.

- Q Did any of your Choctaw ancestors appear before either of these Commissions appointed in 1837 and in 1842 and attempt to establish their rights under the provisions of article fourteen of the treaty of 1830? A I don't know.

The act of Congress approved August 23, 1842, provided, that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article fourteen of the treaty of 1830, but that his land had been sold by the government, he should be entitled to select land elsewhere in the states of Mississippi, Alabama, Louisiana, or Arkansas, and that a certificate to that effect should be given him. These certificates were called scrip.

- Q Did any of your Choctaw ancestors receive any such scrip from the government under that act of Congress? A I don't know.

Hattie M. Ogden -----4.

- Q So far as you know did any of your Choctaw ancestors ever receive any benefits as Choctaw Indians from the government of the United States? A No.
- Q Have you any witnesses you desire to call? A No.
- Q Have you any documentary evidence to present? A No.

Applicant offers in evidence certified copy of the marriage certificate between W. H. Ogden and Hattie M. Cheatham, which is received, marked Exhibit "A", and made a part of the record in this case.

- Q Do you wish time in which to introduce further evidence in support of your claim? A Yes, sir.

Thirty days time will be allowed you in which to introduce additional evidence in support of your claim for identification as a Mississippi Choctaw.

- Q Do you speak or understand the Choctaw language? A No.
- Q Are there any further statements you wish to make? A No.
- Q Quite a number of your relatives have appeared before the Commission to make application, have they not? A Yes.
- Q Do you know the names of some of them? A N. A. White, and Armelda Long.
- Q You have some brothers and sisters here? A Yes.
- Q Is Christopher C. Hanks any relation of yours? A I think so.

Reference is made to the case of Christopher C. Hanks, M.C.R. 6608, for the purpose of consolidation.

Applicant has the appearance of being a white woman; shows no indication of being possessed of Choctaw Indian blood; has brown hair; dark complexion, and blue eyes; has no knowledge of any compliance on the part of her Choctaw ancestors with the provisions of article fourteen of the treaty of 1830.

R. B. Eisenberg, being first duly sworn, states on his oath, that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on the 20th day of March, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings had on said date.

*R. B. Eisenberg*

Subscribed and sworn to before me this 23rd day of May, 1903.

*Charles H. Sawyer*

Notary Public.

W.C.R. 7181.

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,  
Attorneys-at-Law,  
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission has this day notified Hattie M. Ogden that she will be allowed thirty days from this date in which to submit further evidence in support of her application for identification of herself and minor children as Mississippi Choctaws and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Commissioner in Charge.



COMMISSIONERS:  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE,  
W. E. STANLEY.

ALLISON L. AYLESWORTH,  
SECRETARY

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 7121.

Muskogee, Indian Territory, November 8, 1903.

Hattie M. Ogden,  
Los Angeles, California.

Dear Madam:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of your application for identification of yourself and minor children as Mississippi Choctaws and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,



Commissioner in Charge.



Muskogee, Indian Territory, March 19, 1904

Hattie M. Ogden,

Los Angeles, California.

Dear Madam:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers et al., of which the application made by you for the identification as Mississippi Choctaws of yourself and your five minor children, Ethel, Estelle, Della, Irma and William Ogden, was made a part, refusing said application.

You are further advised that a copy of such decision has been furnished your attorneys of record, Messrs. Thomas & Harrison, Muskogee, Indian Territory; that the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted, together with such argument and brief as may be submitted by your attorneys of record, to the Secretary of the Interior for his consideration.

Respectfully,

Commissioner in Charge.

Registered.

COMMISSIONERS:  
JAMES RIXBY,  
THOMAS B. NEEDLER,  
C. R. BRECKINRIDGE.

WM. O. BRALL,  
Secretary.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ENTER IN REPLY TO THE FOLLOWING:

M O B 7181

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, June 26, 1905.

Hattie M. Ogden,

Los Angeles, California.

Dear Madam:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 19th day of March, 1905.

Respectfully,

  
Chairman.

22

No. 7181

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 20 1903

Name *Hattie M Ogden*

Age *34* Blood *1/8*

Post Office. *Los Angeles, Calif*

Father: *Richard Cheatham*

Mother: *Nancy J. " 2*

Claims through *father*

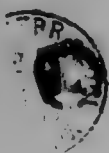
Husband: *William Ogden w.*  
*(No claim for him)*

Children:

<i>Ethel Ogden</i>	<i>(F)</i>	<i>17</i>
<i>Estelle</i>	<i>" (F)</i>	<i>15</i>
<i>Sella</i>	<i>" (F)</i>	<i>10</i>
<i>Irma</i>	<i>" (F)</i>	<i>7</i>
<i>William</i>	<i>" (M)</i>	<i>5</i>

*(Claim for self & 5 minor children)*

Stenographer *R. B. Eisenberg*



TL

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES

**FILED**

DEC 17 1903

*[Handwritten signature]*

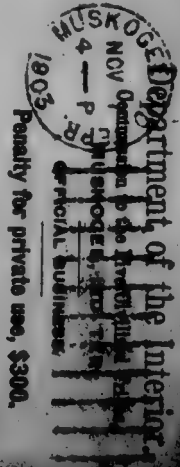
CHIEF

7/18/1

General Office

M. C. R.

Advising that thirty days from date  
will be allowed in which to submit  
further evidence in support of ar-  
rested persons. Location as

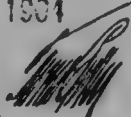


Penalty for private use, \$300.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES

**FILED**

MAY 11 1904

A handwritten signature in dark ink, appearing to be "T. S. Smith", written over the "FILED" stamp.

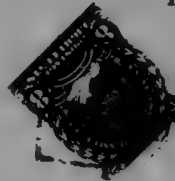
CHAIRMAN

Department of the Interior.

Commission to the Five Civilized Tribes,  
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



Hattie E. Oden,

Los Angeles, California.

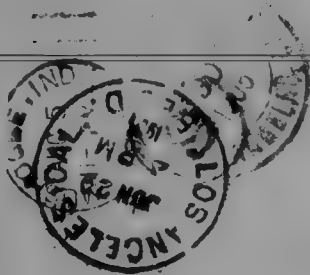
MAR. 24  
MUSKOGEE, IND. TER.

Second Notice

APR 5 1904

APR 1 1904

45-1104

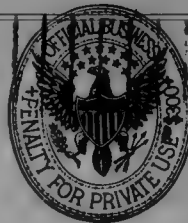
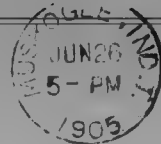


August 8, 1905.



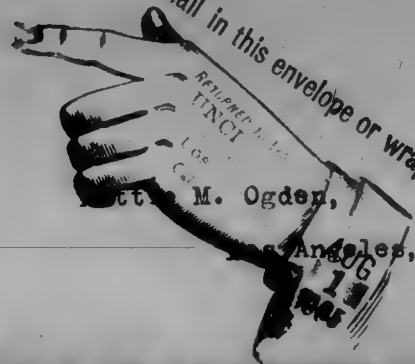
Department of the Interior.

Commission to the Five Civilized Tribes,  
MUSKOCHEE, IND. TER.



7181

Do not remail in this envelope or wrapper.



RECEIVED  
MUSKOCHEE  
IND. TER.  
JUN 26 1906  
M. Ogden,

Los Angeles, California.

DECISION RENDERED.

MAR 4 1904

COPY OF DECISION FORWARDED  
ATTORNEYS FOR CHOCTAW AND  
CHICKASAW NATIONS.

MAR 4 1904

NOTICE OF DECISION MAILED APPLICANT. MAR 19 1904

COPY OF DECISION FORWARDED  
ATTORNEY FOR APPLICANT.

MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED BY  
SECRETARY OF INTERIOR.

MAR 20 1905

NOTICE OF DEPARTMENTAL  
ACTION MAILED APPLICANT.

JUN 26 1905

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT.

JUN 2 1905

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

REFER TO M. O. R. 5670

Choctaw MCR 7182

William T. Cheatham

MCR 7182

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES/  
Muskogee, Indian Territory, March  
20th, 1903.

In the matter of the application of William T. Cheatham  
for the identification of himself and his two minor children, Alta I.  
& Wilma S. Cheatham, as Mississippi Choctaws.

Appearance: Thomas & Harrison, Attorneys for Applicant.

William T. Cheatham, being first duly sworn, testified as  
follows:

Examination by the Commission:

- Q What is your name? A William T. Cheatham.  
Q How old are you? A Thirty-nine.  
Q What is your post office address? A Los Banos, California.  
Q How long have you lived in California? A Twenty-nine years.  
Q Where did you live before that? A In Kentucky.  
Q Were you born in Kentucky? A Yes, sir.  
Q You lived there all your life until you moved to California? A  
Yes, sir.  
Q What is your father's name? A Richard Cheatham.  
Q Is he living? A No.  
Q What is your mother's name? A Nancy J. Cheatham.  
Q Is she living? A Yes, sir.  
Q Through which parent do you claim your Choctaw blood? A My  
father.  
Q How much Choctaw blood do you claim? A One-eighth.  
Q Has your father, through whom you claim the right to identifica-  
tion ever been recognized in any manner or enrolled as a mem-  
ber of the Choctaw tribe of Indians by the Choctaw tribal au-  
thorities or the authorities of the United States? A No, sir.  
Q Have you any evidence of the marriage of your father and mother  
with you at this time? A Yes, sir.

Applicant presents joint affidavits of H. H. Vanhook, Charls  
L. Talbot and Jas. H. Talbot; also joint affidavit of Nancy  
T. Bailey, Elijah Munson and James H. Talbot; also certificate  
of C. H. Whaley, which are filed, marked Exhibits "A" and "B",  
and made a part of the record in this case.

Applicant also presents death certificate of Richard  
Cheatham, which is filed, marked Exhibit "C", and made a part  
of the record in this case.

- Q Through which one of his parents did your father derive his Choctaw  
blood? A His father.  
Q What was his name? A John Cheatham.  
Q What was the name of John Cheatham's wife? A Harriet Cheatham.  
Q Was she a white woman? A Yes, sir.  
Q She had no Choctaw blood? A No.  
Q When did John Cheatham die? A About 1857 or '8.  
Q Through which parent did your grandfather, John Cheatham, claim

William T. Cheatham -----2.

- his Choctaw blood? A His mother.
- Q What was her name? A Polly Harper.
- Q Who did she marry? A John Cheatham.
- Q John Cheatham was your great-great-grandfather? A Yes.
- Q Was he a white man? A Yes, sir.
- Q He claimed no Choctaw blood? A No.
- Q How much Choctaw blood did Polly Harper have? A Full blood.
- Q What were the names of her parents? A John and Mary Ann Harper.
- Q They were both full bloods? A Yes, sir.
- Q Are you married? A Yes, sir.
- Q What is your wife's name? A Mary B. Cheatham.
- Q Is she a white woman? A Yes, sir.
- Q She claims no Choctaw blood? A No.
- Q Is she living? A Yes, sir.
- Q You claim no Choctaw blood for her? A No.
- Q Have you any minor children for whom you wish to make application? A Yes.
- Q What are their names and ages? A Alta I., 11, and Wilma G., 7 years old.
- Q This application then is for yourself and two minor children? A Yes, sir.
- Q You are the father of these children? A Yes, sir.
- Q And Mary B. Cheatham is the mother? A Yes, sir.
- Q These children claim through you? A Yes, sir.
- Q When and where were you married to Mary B. Cheatham? A 1890 in California.
- Q Have you any evidence of that marriage with you at this time? A Yes, sir.

Applicant offers in evidence marriage license and certificate between William T. Cheatham and Mary B. Green, which is filed, marked Exhibit "D" and made a part of the record in this case.

- Q Is your name or are the names of these minor children to be found on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No.
- Q Did you, or did any one for you, or for these minor children, ever make application to the Choctaw tribal authorities to be enrolled as members of the Choctaw tribe of Indians? A No.
- Q Did you, or did any one for you, or for your minor children, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No, sir.
- Q Is this the first application of any description for citizenship or enrollment in the Choctaw Nation that has ever been made by you or on your behalf or on behalf of your minor children? A Yes, sir.
- Q You appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and minor children under the provisions of article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand that article? A Yes, sir.

Article fourteen reads as follows:

William T. Cheatham -----3.

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months after the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six-hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the improvements of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity.

- Q Is that the provision of law under which you are claiming the right to identification as a Mississippi Choctaw? A Yes.
- Q What is the name of your Choctaw ancestor through whom you claim the right to such identification? A John Harper.
- Q You had a less remote ancestor, who was living in the old Choctaw Nation in 1830, and the head of a family there at that time, in the person of John Cheatham, did you not? A Yes.
- Q Did any of your Choctaw ancestors comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A Not that I know of.
- Q Were any of your Choctaw ancestors living in the old Choctaw Nation in 1830 when this treaty was made? A I don't know.
- Q Were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians at that time? A I don't know.
- Q Did any of your Choctaw ancestors own an improvement at that time in the old Choctaw Nation? A I don't know.
- Q Did any of your Choctaw ancestors remove from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, at the time of the removal of the greater portion of the Choctaw Indians between the years 1833 and 1838? A Not to my knowledge.
- Q Did any of your Choctaw ancestors, within six months after the ratification of the treaty of 1830, signify to the Agent in Mississippi at that time an intention to remain in the old Choctaw Nation, take land there and become citizens of the states? A Not to my knowledge.
- Q Did any of your Choctaw ancestors ever receive or claim any land from the Government under the provisions of article fourteen of the treaty of 1830? A I don't know.

In accordance with the provisions of article fourteen of the treaty of 1830 the government directed an agent in Mississippi to register the names of all those Choctaw Indians who might desire to remain in the old Choctaw Nation and comply with the provisions of that article. The records of the government show that this agent failed to register and report the names of a great many Choctaws who really did signify to him their intention to remain in the old Choctaw Nation, to take land there and become citizens of the states. On this account, in many instances, the lands on which these Indians

Walter T. Cheatham -----4.

lived and had improvements and which they desired to have reserved for them, were sold by the government at its public land sales, and the Indians deprived of their land. This caused much complaint among the Choctaws and the matter was finally brought to the attention of Congress, and Congress, by acts passed March 3, 1837, and August 23, 1842, appointed Commissions whose duty it was to go to Mississippi and investigate these claims.

- Q Did any of your Choctaw ancestors appear before either of these Commission appointed in 1837 or in 1842, and attempt to establish their rights under the provisions of article fourteen of the treaty of 1830? A Not to my knowledge.

The act of Congress approved August 23, 1842, provided, that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article fourteen of the treaty of 1830, but that his land had been sold by the government, he should be entitled to select land elsewhere in the states of Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant government land, and that a certificate to that effect should be given him. These certificates were called scrip.

- Q Did any of your Choctaw ancestors receive any such scrip from the government under that act of Congress? A I don't know.  
Q So far as you know did any of your Choctaw ancestors ever receive any benefits from the United States government as Choctaw Indians? A No, sir.  
Q Have you any witnesses you desire to call? A No.  
Q Have you any documentary evidence to present? A No.  
Q Do you desire time in which to present further evidence? A Yes.

Thirty days time will be allowed you from the date of this application within which to introduce additional evidence in support of your claim.

- Q Your sister, Hattie M. Ogden, has appeared before the Commission? A Yes.  
Q Also other of your relatives have appeared? A Yes.  
Q What relation is Christopher C. Hanks to you? A He is some, but I don't know what.

Reference is made to the case of Christopher C. Hanks, M.C.R. 6508 for the purpose of consolidation.

- Q Do you speak or understand the Choctaw language? A No.  
Q Are there any further statements you wish to make? A No.

Applicant has the appearance of being a white person; shows no indication of possessing Choctaw Indian blood; has light complexion, brown hair, sandy mustache, blue eyes; has no knowledge of any compliance on the part of his Choctaw ancestors with the provisions of article fourteen of the treaty of 1830.



Walter F. Chestnut---5.

R. B. Eisenberg, being first duly sworn, states on his oath that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on the 20th day of March, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings had on said date.

*R. B. Eisenberg*

Subscribed and sworn to before me this 23rd day of May, 1903.

*Charles H. Sawyer*

Notary Public.



M.O.R. 7182.

Muskogee, Indian Territory, November 6, 1903.

William T. Cheatham,

Los Banos, California.

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of your application for identification of yourself and minor children as Mississippi Choctaws and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Commissioner in Charge.

M.C.R. 7182.

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,

Attorneys-at-Law,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission has this day notified William T. Cheatham that he will be allowed thirty days from this date in which to submit further evidence in support of his application for identification of himself and his minor children as Mississippi Choctaws and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, March 19, 1904.

William F. Cheatham,

Los Banos, California.

Dear Sir:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers et al., of which the application made by you for the identification as Mississippi Choctaws of yourself and your two minor children, Alta I. and William G. Cheatham, was made a part, refusing said application.

You are further advised that a copy of such decision has been furnished your attorneys of record, Messrs. Thomas & Harrison, Muskogee, Indian Territory; that the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted, together with such argument and brief as may be submitted by your attorneys of record, to the Secretary of the Interior for his consideration.

Respectfully,

Commissioner in Charge.

Registered.

M C R 7192

Muskegee, Indian Territory, June 26, 1905.

William T. Cheatham,  
Los Banos, California.

Dear Sir:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 19th day of March, 1904.

Respectfully,

Chairman.

21

No. 7182

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 20 1903

Name William T. Cheatham

Age 39 Blood 1/8

Post Office, Los Banos, Calif.

Father: Richard Cheatham D.

Mother: Nancy J. " L.

Claims through father

wife

Mary B. Cheatham in L

No claim for her

Children:

Alta J. Cheatham (F) 11

Wilma G. " (F) 7

(Claims for self & 2 minor children)

W. T. Cheatham

*William D. ...*  
DECISION RENDERED.

MAR 4 1904

COPY OF DECISION FORWARDED  
ATTORNEYS FOR CHOCTAW AND  
CHICKASAW NATIONS.

MAR 4 1904

NOTICE OF DECISION MAILED APPLICANT. MAR 19 1904

COPY OF DECISION FORWARDED  
ATTORNEY FOR APPLICANT.

MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED BY  
SECRETARY OF INTERIOR.

MAR 22 1905

NOTICE OF DEPARTMENTAL  
ACTION MAILED APPLICANT.

JUN 26 1905

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT.

JUL 2

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

REFER TO N. C. R. 5679

Choctaw MCR 7183

Lizzie Chappell

MCR 7183

#7183

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T. March 20, 1903.

-----

In the matter of the application of Lizzie Chappell for the identification of herself and her three minor children, William, Lizzie B., and Howard Chappell, as Mississippi Choctaws.

Appearance: Thomas & Harrison, Attorneys for Applicant.

Lizzie Chappell, being first duly sworn, testified as follows.

Examination by the Commission:

- Q What is your name? A Lizzie Chappell.  
Q What is your age? A Forty-four.  
Q What is your post office address? A Los Banos, California.  
Q How long have you lived in California? A Twenty-nine years.  
Q Where did you live before that? A In Kentucky.  
Q Were you born there? A Yes, sir.  
Q You lived there all your life until you removed to California?  
A Yes, sir.  
Q What is your father's name? A Richard Cheatham.  
Q Is your father living? A No.  
Q What is your mother's name? A Nancy J. Cheatham.  
Q Is she living? A Yes, sir.  
Q Through which parent do you claim your Choctaw blood? A My father.  
Q How much Choctaw blood do you claim? A One-eighth.  
Q Has your father, through whom you claim the right to identification, ever been recognized in anymanner or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States? A No, sir.  
Q Through which one of his parents did your father derive his Choctaw blood? A His father.  
Q What was his name? A John Cheatham.  
Q What was your father's mother's name? A Harriet Cheatham.  
Q Was she a white woman? A Yes, sir.  
Q She had no Choctaw blood? A No, sir.  
Q Through which one of his parents, did your grandfather, John Cheatham, claim his Choctaw blood? A His mother, Polly Harper.  
Q Polly Harper's husband was also named John Cheatham? A Yes.  
Q He was a white man? A Yes.  
Q Through which one of her parents did Polly Harper claim her Choctaw blood? A Both--John Harper and Mary Ann Harper.  
Q Are you married? A Yes, sir.  
Q What is your husband's name? A Frank M. Chappell.



Lizzie Chappell -----2.

- Q Is he a white man? A Yes, sir.  
Q He claims no Choctaw blood? A No.  
Q You make no claim for him? A No.  
Q Have you any minor children for whom you wish to apply? A Yes.  
Q What are their names and ages? A William, 18; Lizzie B., 15; and Howard, 7.  
Q This application then is for yourself and three minor children? A Yes.  
Q You are the mother of these children? A Yes.  
Q And Frank M. Chappell is the father? A Yes, sir.  
Q Do these children claim through you? A Yes, sir.  
Q Is your name, or are the names of any of these minor children, to be found on any of the tribal rolls of the Choctaw Nation in Indian Territory? A Not that I know of.  
Q Did you, or did any one for you, or for your minor children, ever make application to the Choctaw tribal authorities to be enrolled as members of that tribe of Indians? A Not that I know of.  
Q Did you, or did any one for you, or for your minor children, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the provisions of the act of Congress of June 10, 1896? A No.  
Q Is this the first application of any description for citizenship or enrollment in the Choctaw Nation that has ever been made for you or for your minor children? A Yes.  
Q You appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and children under the provisions of article fourteen of the treaty of 1830? A Yes, sir.  
Q Do you understand that article? A Yes, sir.

Article fourteen reads as follows:

Each Choctaw head of a family being desirous to remain and become citizens of the states shall be permitted to do so by signifying his intention to the agent within six months after the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six-hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity.

- Q Is that the provision of law under which you are claiming the right to identification as a Mississippi Choctaw? A Yes, sir.  
Q What is the name of your Choctaw ancestor through whom you claim such right? A Jehn Harper.  
Q You had a less remote ancestor who was living in 1830 in the person of Jehn Cheatham? A Yes, sir.

Lizzie Chappell-----3.

- Q Your grandfather? A Yes, sir.
- Q Did any of your Choctaw ancestors comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A I don't know.
- Q Were any of your Choctaw ancestors living in the old Choctaw Nation in Mississippi and Alabama when this treaty of 1830 was made? A I don't know.
- Q Were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians at that time? A I don't know.
- Q Did any of your Choctaw ancestors own an improvement in 1830 upon what constituted the old Choctaw Nation? A I don't know.
- Q Did any of your Choctaw ancestors remove from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Indians between the years 1833 and 1838? A I don't know.
- Q Did any of your Choctaw ancestors, within six months after the ratification of the treaty of 1830 signify to the Agent in Mississippi at that time an intention to remain in the old Choctaw Nation, take land there and become citizens of the states? A I don't know, I have heard it.
- Q Did you ever hear that John Cheatham, your grandfather, ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830? A No.
- Q Did you ever hear that John Cheatham went before the Indian Agent in Mississippi and attempted to register? A No.
- Q Do you know where he was living in 1830? A In Kentucky.
- Q He lived there all his life? A I don't know.
- Q Was he born there? A I don't know.
- Q Did any of your Choctaw ancestors ever claim or receive any land from the government under the provisions of article fourteen of the treaty of 1830? A I don't know.

In accordance with the provisions of article fourteen of the treaty of 1830 the government directed an Agent in Mississippi at that time to register the names of all those Choctaws who might desire to remain in Mississippi and comply with the provisions of that article. The records of the government show that this agent failed to register the names of a great many Choctaws who really did signify to him their intention to remain in the old Choctaw Nation, take land there and become citizens of the states. On this account, in many instances the lands on which these Indians lived and had improvements and which they desired to have reserved for them, were sold by the government at its public land sales. This caused much complaint among the Choctaws, and the matter was finally brought to the attention of Congress, and Congress by acts passed in March 3, 1837 and August 23, 1842, appointed Commissions whose duty it was to go to Mississippi and investigate these claims.

- Q Did any of your Choctaw ancestors appear before either of these Commissions appointed in 1837 and in 1842 and attempt to establish claims under the provisions of article fourteen of the treaty of 1830? A I don't know.

The act of Congress approved August 23, 1842, provided, that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article fourteen of the treaty of 1830, but that his land had been sold

Lizzie Chappell -----4.

by the government, he should be entitled to select land elsewhere in the states of Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant government land, and that a certificate to that effect should be given him. These certificates were called scrip.

- Q Did any of your Choctaw ancestors receive any such scrip from the government under that act of Congress? A I don't know.
- Q So far as you know were any of your Choctaw ancestors ever recognized members of the Choctaw tribe of Indians? A I don't know.
- Q So far as you know did they ever receive any benefits as such? A No, sir.
- Q Have you any witnesses? A No.
- Q Have you any documentary evidence to present? A No.
- Q Do you desire time in which to present further evidence? A Yes.

Thirty days time from the date of this application will be allowed for the introduction of additional evidence in support of your claim.

- Q Do you speak or understand the Choctaw language? A No.

Applicant offers in evidence marriage certificate between F. M. Chappell and Lizzie T. Cheatham filed, marked Exhibit A and made a part of the record herein.

- Q Your brother, William T. Cheatham, has just appeared and made application? A Yes, sir.
- Q Your sister, Hattie M. Ogden, and other relatives have also appeared? A Yes, sir.
- Q You desire your case considered with theirs? A Yes, sir.
- Q Do you know what relation Christopher C. Hanks is to you? A No.

Reference is made to the case of Christopher C. Hanks, M.C.R. 6508, for the purpose of consolidation.

Applicant has the appearance of being a white person; shows no indication of being possessed of Choctaw Indian blood; dark complected, brown hair, blue eyes; has no knowledge of any compliance on the part of her Choctaw ancestors with the provisions of article fourteen of the treaty of 1830.

R. B. Eisenberg, being first duly sworn, states on his oath that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on the 20th day of March, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings taken on said date.

Subscribed and sworn to before me this 23rd day of May, 1903.

*R. B. Eisenberg*  
*Charles H. Sawyer*

Notary Public.

M.O.R. 7183.

Muskogee, Indian Territory, November 6, 1903.

Thomas A. Harrison,

Attorneys-at-Law,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission has this day notified Lizzie Chappell that she will be allowed thirty days from this date in which to submit further evidence in support of her application for identification of herself and minor children as Mississippi Choctaws and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Commissioner in Charge.

M.C.R. 7183.

Muskogee, Indian Territory, November 6, 1903.

Lizzie Chappell,

Los Banos, California.

Dear Madam:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of your application for identification of yourself and minor children as Mississippi Choctaws and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Commissioner in Charge.

MCR.7188

Muskegee, Indian Territory, March 19, 1904.

Lissie Chappell,

Los Banos, California.

Dear Madam:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers et al., of which the application made by you for the identification as Mississippi Choctaws of yourself and your three minor children, William, Lissie B., and Howard Chappell, was made a part, refusing said application.

You are further advised that a copy of such decision has been furnished your attorneys of record, Messrs. Thomas & Harrison, Muskegee, Indian Territory, that the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted, together with such argument and brief as may be submitted by your attorneys of record, to the Secretary of the Interior for his consideration.

Respectfully,

Commissioner in Charge.

Registered.

M C R 7183

Muskegee, Indian Territory, June 26, 1905.

Lizzie Chappell,  
Los Banos, California.

Dear Madam:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 19th day of March, 1904.

Respectfully,

Chairman.

7183

No.

## FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 20 1903

Name

Lizzie Chappell

Age

44 1/2

Blood

1/8

Post Office,

Los Baños, Calif

Father:

Richana Cheatham, D.

Mother:

Nancy J. " L

Claims through Father

Husband: Frank M. Chappell  
 (No claim for him) <sup>no. 2</sup>

Children:

William Chappell	18
Lizzie B.	15
Howard	7

(Claims for self & 3 minor  
 children)

Engraver

R. B. Ewing



*Lizzie Chappell*

DECISION RENDERED.

MAR 4 1904

COPY OF DECISION FORWARDED  
ATTORNEYS FOR CHOCTAW AND  
CHICKASAW NATIONS.

MAR 4 1904

NOTICE OF DECISION MAILED APPLICANT: MAR 19 1904

COPY OF DECISION FORWARDED  
ATTORNEY FOR APPLICANT.

MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED BY  
SECRETARY OF INTERIOR.

MAR 3 1905

NOTICE OF DEPARTMENTAL  
ACTION MAILED APPLICANT.

JUN 26 1905

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT.

JUN 6

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

REFER TO M. O. R. 5670.

Choctaw MCR 7184

Effie Chappell

MCR 7184

#7184

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, I. T. March 20, 1903.

-----

In the matter of the application of Effie Chappell for  
the identification of herself as a Mississippi Choctaw.

Appearance: Thomas & Harrison, Attorneys for Applicant.

Effie Chappell, being first duly sworn, testified as  
follows:

Examination by the Commission:

- Q What is your name? A Effie Chappell.  
Q How old are you? A Twenty-five.  
Q What is your post office address? A Los Banos, California.  
Q How long have you lived in California? A All my life.  
Q Were you born there? A Yes, sir.  
Q What is your father's name? A Frank M. Chappell.  
Q Is he living? A Yes, sir.  
Q What is your mother's name? A Lizzie Chappell.  
Q Is she living? A Yes, sir.  
Q Do you claim through your mother? A Yes, sir.  
Q How much Choctaw blood do you claim? A 1/16  
Q Has you mother, through whom you claim the right to identifica-  
tion as a Mississippi Choctaw, ever been recognized in any manner  
or enrolled as a member of the Choctaw tribe of Indians by  
the Choctaw tribal authorities or the authorities of the United  
States? A No, sir.  
Q Through which one of her parents did your mother derive her  
Choctaw blood? A Her father.  
Q What was his name? A Richard Cheatham.  
Q What was your mother's mother's name? A Nancy J. Cheatham.  
Q Was she a white woman? A Yes.  
Q She had no Choctaw blood? A No.  
Q Through which one of his parents did Richard Cheatham derive his  
Choctaw blood? A His father, John Cheatham.  
Q What was his mother's name? A Harriet Cheatham.  
Q Was she a white woman? A Yes.  
Q She had no Choctaw blood? A No.  
Q Through which one of his parents did John Cheatham claim? A  
His mother.  
Q What was his mother's name? A Polly Harper.  
Q And her husband's name was John Cheatham also? A Yes.  
Q John Cheatham, your great-grandfather was a white man? A Yes.  
Q Through which one of her parents did Polly Cheatham claim her  
Choctaw blood? A Through both, John Harper and Mary Ann Harper.  
Q They were both full bloods? A Yes.  
Q Are you married? A No.  
Q This application is for yourself alone? A Yes.

Effie Chappell -----2.

- Q Is your name to be found on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
- Q Did you, or did any one for you, ever make application to the Choctaw tribal authorities to be enrolled as a member of that Tribe of Indians? A No.
- Q Did you or did any one for you make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No.
- Q Is this the first application for citizenship in the Choctaw Nation ever made by you or on your behalf? A Yes.
- Q You appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the provisions of article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand that article? A Yes, sir.

"Article fourteen reads as follows:

Each Choctaw head of a family being desirous to remain and become citizens of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six-hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity.

- Q Is that the provision of law under which you are claiming the right to identification as a Mississippi Choctaw? A Yes, sir.
- Q What is the name of your Choctaw ancestor through whom you claim such right? A John Harper.
- Q Your great-great-great-grandfather? A Yes, sir.
- Q You had a less remote ancestor who was living in 1830 in the person of John Cheatham, your great-grandfather? A Yes.
- Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A I don't know.
- Q Were any of your Choctaw ancestors living in Mississippi or Alabama in 1830 when this treaty was made? A I don't know.
- Q Were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians at that time? A I don't know.
- Q Did any of your Choctaw ancestors own an improvement in that old Choctaw Nation at the time the treaty was made? A I don't know.
- Q Did any of your Choctaw ancestors, within six months after the ratification of the treaty of 1830 go to the Indian Agent in Mississippi at that time and signify to him their intention to

Effie Chappell -----3.

remain in the old Choctaw Nation, take land there and become citizens of the states? A I don't know.

Q Did any of your Choctaw ancestors remove from that old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation, Indian Territory, at the time of the removal of the greater portion of the Choctaw Indians between the years 1833 and 1838? A I don't know.

Q Did any of your Choctaw ancestors ever receive or claim any land in Mississippi from the government of the United States as Choctaw Indians? A I don't know.

In accordance with the provisions of the fourteenth article of the treaty of 1830 the government directed an Agent in Mississippi at that time to register the names of all those Choctaw Indians who might desire to remain in the old Choctaw Nation and comply with the provisions of that article. The records of the Commission show that this agent failed to register and report the names of many Choctaws who really did signify to him their intention to remain in the old Choctaw Nation, take land there and become citizens of the states. On this account, in many instances, the lands on which these Indians lived and had improvements, and which they desired to have reserved for them, were sold by the government at its public land sales. This caused much complaint among the Choctaws and the matter was finally brought to the attention of Congress, and Congress, by acts passed March 3, 1837, and August 23, 1842, appointed Commissions whose duty it was to go to Mississippi and investigate the claims of these Choctaws.

Q Did any of your Choctaw ancestors appear before either of these Commissions and attempt to establish their rights under the provisions of article fourteen of the treaty of 1830? A I don't know.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article fourteen of the treaty of 1830, but that his land had been sold by the government, he should be entitled to select land elsewhere in the states of Mississippi, Alabama, Louisiana, or Arkansas, to be taken from vacant government land, and that he should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your Choctaw ancestors receive any such scrip from the government under that act of Congress? A I don't know.

Q So far as you know, did any of your Choctaw ancestors ever receive any benefits from the government as Choctaw Indians? A I don't know.

Q Have you any witnesses? A ~~Yes~~ No.

Q Have you any documentary evidence to present? A No.

Q Do you desire time in which to present further evidence? A Yes.

Thirty days time will be allowed you in which to introduce additional evidence in support of your claim.

Q Do you speak or understand the Choctaw language? A No.

Q Are there any further statements you wish to make? A No.

Effie Chappell -----4.

- Q Your mother, Lizzie Chappell, has appeared before the Commission?  
A Yes, sir.  
Q Also your uncle, William T. Cheatham? A Yes, sir.  
Q Do you wish your case considered with theirs and with those of other relatives of yours claiming under the same common ancestor? A Yes, sir.

Reference is made to the case of Christopher C. Hanks, M.C.R. 6508, for the purpose of consolidation.

Applicant has the appearance of being a white person; shows no indication of being possessed of Choctaw Indian blood; dark complected, dark brown hair, brown eyes; has no knowledge of any compliance on the part of her Choctawancestors with the provisions of article fourteen of the treaty of 1830.

R. B. Eisenberg, being first duly sworn, states on his oath, that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on the 20th day of March, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings had on said date.

*R. B. Eisenberg*

Subscribed and sworn to before me this 23rd day of May, 1903.

*Charles H. Sawyer*

Notary Public.

M.O.R. 7184.

Muskogee, Indian Territory, November 6, 1905.

Effie Chappell,

Los Banos, California.

Dear Madam:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of your application for identification as a Mississippi Choctaw and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Commissioner in Charge.

M.O.R. 7184.

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,

Attorneys-at-Law,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission has this day notified Effie Chappell that she will be allowed thirty days from this date in which to submit further evidence in support of her application for identification as a Mississippi Choctaw and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Commissioner in Charge.



MCR.7184

Muskogee, Indian Territory, March 19, 1904.

Effie Chappell,

Los Banos, California.

Dear Madam:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers et al., of which the application made by you for the identification of yourself as a Mississippi Choctaw, was made a part, refusing said application.

You are further advised that a copy of such decision has been furnished your attorneys of record, Messrs. Thomas & Harrison, Muskogee, Indian Territory, that the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted, together with such argument and brief as may be submitted by your attorneys of record, to the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

Registered.

M C R 7184

Muskogee, Indian Territory, June 26, 1905.

Effie Chappell,

Los Banos, California.

Dear Madam:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were notified by registered mail on the 19th day of March, 1904.

Respectfully,

Chairman.

73

No. 7184

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 20 1903

Name Effie Chappell

Age

25

Blood

1/16

Post Office, Los Banos, Calif.

Father: Frank M Chappell L

Mother: Lizzie " L

Claims through mother

~~STANDARD~~

(Claims for self alone)

Stenographer

R. B. Linsburg

Effie Chappell

DECISION RENDERED.

MAR 4 1904

COPY OF DECISION FORWARDED

MAR 4 1904

ATTORNEYS FOR CHOCTAW AND

CHICKASAW NATIONS.

NOTICE OF DECISION MAILED APPLICANT.

MAR 19 1904

COPY OF DECISION FORWARDED  
ATTORNEY FOR APPLICANT.

MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED BY  
SECRETARY OF INTERIOR.

MAR 30 1905

NOTICE OF DEPARTMENTAL  
ACTION MAILED APPLICANT.

JUN 26 1905

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT.

JUN 27 1905

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

REFER TO M. C. R. 5670

Choctaw MCR 7185

Bernard Cooper

MCR 7185

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application of Bernard Cooper, et al.,  
for identification as Mississippi Choctaws, M.C.R. 7185.

List of papers forwarded to the Secretary of the Interior  
comprising the record in the above case.

	(Page)
Original application of Bernard Cooper, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Letter of Bernard Cooper, addressed to the Commission-----	9
Decision of the Commission refusing the applica- tion of Bernard Cooper, et al., for identifica- tion as Mississippi Choctaws-----	10

-oOo-

7185  
Original.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Bay St. Louis, Mississippi, March 17, 1903.

-----  
In the matter of the application of Bernard Cooper for the identification of himself and his minor son, Peter Cooper, as Mississippi Choctaws.

Said Bernard Cooper, being first duly sworn, upon his oath testified as follows:

Examination by the Commission.

- Q What is your name? A Bernard Cooper.  
Q What is your age? A Sixty last December.  
Q What day in December? A Twenty-fifth.  
Q What is your postoffice address? A Biloxi.  
Q If you received mail you would receive it at Biloxi, Mississippi?  
A Yes sir.  
Q How much Choctaw blood do you claim to have? A I think I've got three-fourths; my mother was half and my father was full.  
Q You claim to have three quarters? A Yes sir.  
Q Do you speak and understand the Choctaw language? A I speak Choctaw.  
Q What was your father's name? A His name was George Cooper.  
Q Is your father living or dead? A He's dead.  
Q About how old was he when he died? A I don't know exactly-- he was a little older than I am now.  
Q That is when he died? A Yes sir.  
Q When did he die? A He died, I think, in 1878.  
Q He was about sixty years old in 1878 at the time of his death?  
A Yes sir.  
Q You say your father was how much Choctaw? A He was a full blood Choctaw.  
Q What was the name of your mother? A My mother was named Harney; that's Choctaw name.  
Q Was that the name she went by after she was married? A No; after she was married she went by the name of Mrs. George Cooper.  
Q But her maiden name was Harney? A Yes sir.  
Q Did she have two names before her marriage or just the name Harney? A That's all the name I know--I heard my grandfather name that I couldn't think of it now exactly.  
Q You mean your grandfather's name you couldn't think of? A Yes sir.  
Q Your mother, you say, went by the name of Harney before she married your father? A Yes sir.  
Q How much Choctaw blood did she claim to have? A Half.  
Q Is she living or dead? A Dead.  
Q About when did she die? A She died, I believe it was in '54. That was after that big epidemic of yellow fever in '53.  
Q About how old was she when she died? A About fifty-four or fifty-five.

- Q You say your father died in '78? A Yes sir.
- Q At sixty years of age? A Yes sir, he was younger than she was.
- Q He must have been considerably younger? A Yes sir.
- Q What is the name of your father's father? A His name was George and his father's name was Cooper.
- Q Your father's name was George Cooper? A Yes sir.
- Q What was his father's name? A I think his father's name was August Cooper.
- Q Your grandfather's name, then, was August Cooper? A Yes sir.
- Q Did he have a Choctaw name? A Yes sir.
- Q What was your grandfather's Choctaw name? A That was August Cooper.
- Q Did he have a Choctaw name? A That's kind of a Creole name.
- Q He didn't have any regular Choctaw name? A No, not exactly.
- Q Did your father have a Choctaw name? A Just George Cooper.
- Q That's the only name he ever went by? A Yes sir.
- Q Do you know when your grandfather died? A I don't know that.
- Q You don't know when he was born? A No sir.
- Q What was your grandmother's name, your father's mother? A Her name was--let's see if I can think of it-- no, I couldn't exactly-- I know one part but the other part I don't know.
- Q What is the one part that you do know? A Her name was Hershall.
- Q Was that one part of her surname? A Yes sir.
- Q How did they generally address her? A I can't get what her full name was; I was most too young to understand.
- Q What was your mother's father's name? A That either I don't remember.
- Q Do you remember the name of her mother? A No, I don't know.
- Q Who did your mother derive her Choctaw blood from? A She was half.
- Q Was her father or mother Choctaw? A Her mother.
- Q What was her father? A He was a Mexican.
- Q Her mother was a full blood Choctaw? A Yes sir.
- Q You don't know her name? A No sir, I can't think of her name.
- Q How long have you lived in the vicinity of Biloxi, Mississippi? A I've been here I guess since '54, somewhere about there.
- Q Did your mother live in Biloxi at one time? A No sir, she lived at Pass Christian.
- Q Where were you born? A I was born right back of way up above Biloxi on that same river.
- Q What river is that? A That's the river they call Little Biloxi.
- Q How far from Biloxi is that? A About thirty or forty miles.
- Q Do you know what county that is in? A Its in Harrison County, I think.
- Q You were born in Harrison County, Mississippi? A Yes sir, on these two rivers, one is named Lutakafa and the other Okachampoli.
- Q How long did your father and mother live where you were born? A I couldn't tell how many years.
- Q Did you ever hear them say how long they lived there? A Must have been twenty years I guess.
- Q Do you know where they were born, either your father or mother? A No, I don't know; I know my father was born in Mississippi--its on one of these rivers.
- Q One of these rivers you have just named? A Yes sir.
- Q Was your mother born up there too? A No sir, my mother was born in Mexico.
- Q Old Mexico? A Yes sir, old Mexico.
- Q You don't know what part? A No, I don't know that--yes, I think its in Tampico.



Bernard Cooper, et al.-3

Q Do you know whether your mother's father came up from Mexico and married his wife here in Mississippi and then went back to Mexico?

A That must have been.

Q You don't know anything about that? A No sir.

Q You never heard your mother and father say anything about it?

A No sir, not that I remember of.

Q You have lived in the State of Mississippi all your life? A Yes sir.

Q Has your father or your mother ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory by the Choctaw tribal authorities or by the authorities of the United States? A Not that I know of.

Q You never heard that they were enrolled by either the Choctaw tribal authorities or the United States authorities in Indian Territory? A No sir, that I don't know.

Q Are you married? A Yes sir.

Q What is the name of your wife? A Her name is Josephine Cooper.

Q Are you living with your wife at present? A Yes sir.

Q When were you married to her? A Married to her in '67 I believe.

Q Where? A Here in Bilexi.

Q Were you married under a license issued by the State? A Yes sir, married in the Catholic Church.

Q Has she any Choctaw blood? A No sir, Spanish blood.

Q Have you any children? A Yes sir, had eight but they all dead except two.

Q Are those children minors? A No sir, there's one that is a minor yet but he will be free in July coming.

You can make application for that minor child if you wish.

Q He is a boy and unmarried? A Yes sir.

Q Living with you? A Yes sir.

Q What is his name? A Peter Cooper.

Q You say he will be 21 in July? A Yes sir.

Q What date? A In I think the 11th or 12th of July.

Q You desire to make application for this minor child in connection with yourself? A Yes sir.

Q The only Choctaw blood that this minor son possesses he derives through you? A Yes sir.

Q Have you your marriage license and certificate with you at this time? A No sir but I could get them.

It will be necessary for you to furnish the Commission with proper evidence of your marriage to your wife in support of the application which you make on behalf of your minor child. We will give you a week from this date in which to furnish either the original or a certified copy of your marriage license and certificate.

Q You are the father of this child and your present wife is the mother? A Yes sir.

Q Were you ever married before you married your present wife? A No sir.

Q Was your wife ever married before she married you? A Yes sir, she was ; she had two children.

Q Was her first husband dead at the time she married you? A Yes sir, she was a widow.

Q Those children that she has, they aren't Choctaws are they?

A No sir, they've got a little Spanish blood.

Q This application you make now is simply for the identification of yourself and your minor child as Mississippi Choctaws? A Yes sir.

Q Is your name or the name of your minor child, for whom you make application, to be found on any of the tribal rolls of the Choctaw Nation in Indian Territory? A Well, perhaps--it might be--I don't know.

Q You never made any application? A No sir.

Q Did you or anyone for you or your minor child ever make an application to the Choctaw tribal authorities in Indian Territory to be enrolled as members of that tribe? A No sir, not that I know of.

Q Did you or did anyone for you of your minor child in the year 1896 make an application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress approved June 10, 1896? A No sir.

Q Have you or your minor child ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or the Commission to the Five Civilized Tribes or by the United States Court for the Indian Territory? A No sir.

Q Have you ever made an application prior to this time for yourself or your child to either the Choctaw tribal authorities or the authorities of the United States to be enrolled as citizens of the Choctaw Nation? A No sir.

Q Do you appear now before the Commission for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and your minor child under the provisions of the 14th article of the treaty of Dancing Rabbit Creek, the treaty entered into between the United States Government and the Choctaw Indians and concluded September 27, 1830--do you make such application at this time to be identified as a Choctaw Indian claiming rights under that article of the treaty? A Yes sir.

Q Do you understand article fourteen of the treaty of Dancing Rabbit Creek? A No sir.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, that is it was promulgated at that time and signed and was entered into between the representatives of the United States Government and the representatives of the Choctaw Tribe of Indians who were at that time living in the States of Mississippi and Alabama. The object of that treaty was the general removal of the Choctaw tribe of Indians from these states to the country west of the Mississippi River which is now known as the Choctaw Nation Indian Territory. The white people of the states of Mississippi and Alabama were becoming more numerous and they seized the land here and it was the object of the Government by treaty to secure this land here for the white people and in exchange to give the Indians land west of the Mississippi River. Certain of the Choctaws didn't want to remove to that country and refused to sign the treaty and in order to secure their signature the Government inserted a clause in the treaty which is known as article fourteen and after that was put in the treaty the Choctaws decided to sign the treaty. Article fourteen reads as follows:

Bernard Cooper, et al--5

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you think you understand article fourteen as read there?  
A Well, that's the first time I've heard it.

We will explain it a little further. Article fourteen required that if a person desired to remain in Mississippi and become a citizen of the States that he should signify to the Indian Agent, the Government representative who was located here at that time, that he desired to stay here and take certain land. Then after they had signified their intention, the Government set aside a section of land for each head of a family and half a section for each child that was over ten years of age and unmarried and living with that head of a family and a quarter section to each child that was under ten years of age. They were required to live on this land for a period of five years, after which they could sell that land. When they had lived there five years the Government issued them a patent; then they had a right to sell that land or dispose of it as they saw fit. Then if they wanted to remove to Indian Territory at any time after that five years they could do so but they would not be entitled to receive any of the annuities there. By annuities is meant moneys paid to the Choctaw tribe of Indians from the proceeds of the sale of lands. They would be entitled to select a home there in Indian Territory, but that home would not be designated by a certain number of acres but they could live there and have as many acres of land as they wanted to that is the use of it.

Q Do you think that from the explanation made by reading that article of the treaty and by the explanation given to you since then that you understand the intention of the Government and the requirements that were necessary for a Choctaw Indian in Mississippi and Alabama to comply with that article in order to secure land now in Indian Territory? A Yes sir, I think I understand that.  
Q Did any of your Choctaw ancestors--that is your grandfather or grandmother on either side, ever comply or attempt to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A Not that I know of.

Q Were any of your Choctaw ancestors living in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was entered into between the United States Government and the Choctaw tribe of Indians? A Not that I know of.

Q The question is, were any of your Choctaw ancestors --by ancestors I mean your grandparents or great-grandparents, were any of them living in Mississippi in 1830? A Yes sir.

Q Do you know in what part of Mississippi your ancestors were living in 1830? A No sir, that I don't; I know it was somewhere in Mississippi but I couldn't say where.

Q Were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians in Mississippi in 1830? A I guess they did.

Q You guess they did? A Yes sir, they must have; they was in there together.

Q You don't know that they were recognized? A No sir, that I don't know.

Q In what manner do you think they were recognized? A Well, because they stayed generally up in that section somewhere where they was. They must have been together.

Q Did you ever hear your father or mother say to what tribe they belonged in Mississippi in 1830? A No sir, I don't know that.

Q You see the Choctaw tribes were divided up into districts and companies, do you know what company they belonged to? A No sir, I don't know what company.

Q Did any of your Choctaw ancestors own an improvement in 1830 in what constituted the old Choctaw Nation in the States of Mississippi and Alabama? A I couldn't say.

Q Did any of your Choctaw ancestors remove from the old Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation in Indian Territory during the time of the removal of the greater portion of the Choctaw Indians from Mississippi and Alabama to that country in 1833 and 1838? A I think there was some--I couldn't make my oath on that but I think there was some, but my father's brother-----

Q I mean ancestors, grandparents or great-grandparents? A Well, no sir, not that I know of.

Q Did any of your Choctaw ancestors within six months from the ratification of the treaty of Dancing Rabbit Creek signify to the Agent of the United States Government their intention to remain in Mississippi and Alabama and become citizens of these states as provided in article 14 of the treaty of Dancing Rabbit Creek? A Not that I know of.

Q Did any of your Choctaw ancestors ever claim or receive any land in Mississippi or Alabama from the Government of the United States under the provisions of article 14 of that treaty? A No sir, not that I know of.

In accordance with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, as before stated, the Government directed an Agent to register the names of those Choctaws who complied or rather who applied to him and signified their intention to remain here and the records of the Government show that this Agent failed to register and report to the Government the names of very many Choctaws who did appear before him. On this account in many instances the land upon which Indians had homes and which they desired reserved for them was sold by the Government at its public land sales and the Choctaws were therefore deprived of their land. This action of the Government caused a great many complaints

on the part of the Indians and it was finally brought to the attention of Congress and Congress on March 3, 1837 passed an act by which a Commission was appointed whose duty it was to come to Mississippi and hear evidence in cases of Choctaws who claimed that they had complied with the provisions of article fourteen but had not received any land thereunder. By the act of Congress approved February 22, 1838 this Commission was continued until August 1, 1838. This Commission was duly appointed by the President and the Commissioners came down here to Mississippi and they heard the applications of a few Choctaw Indians but the time allowed by Congress for this Commission was short and they could only hear a few, so, on August 23, 1842 another Commission was appointed by Congress with the same power to come down here and hear cases. This Commission came here and heard a great many and they were also authorized where the testimony showed that a Choctaw Indian had applied to the Agent and signified his intention to comply with article 14 but that the land had been sold, this Commission was authorized to issue scrip to such Indians as had complied with the provisions of the 14th article but had never received their land.

Q Did any of your Choctaw ancestors ever appear before either of those Commissions--the Commission of 1837 or the later commission of 1842--and attempt to establish their claim to rights under article 14? A Not that I know of.

Q You don't know that any of your Choctaw ancestors then received scrip which was issued by the Commission in 1842? A No sir, I don't.

Q So far as you know did any of your Choctaw ancestors receive any benefits as Choctaw Indians? A No sir.

Q Have you any witnesses that you desire to present today in support of your application? A No sir, I have no witnesses here.

Q Do you know of any witnesses who would be able to support your testimony as to your ancestors, as to the amount of Choctaw blood possessed by you and as to whether any of your Choctaw ancestors complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek? A Well, that I don't know--perhaps I could find some of them--I don't know.

Q Do you desire to have any time allowed you in which to try to secure evidence--the testimony of witnesses, or documents of any kind in support of your claim? A Yes sir.

The Commission will grant you thirty days from the date of hearing this application in which to furnish evidence, either oral, which would be taken before the Commission at Muskogee, Indian Territory, or the depositions of witnesses or affidavits. In taking depositions it will be necessary for you to comply with the rules and regulations promulgated by the Commission; a copy of said rules will be furnished you upon application. This allowance of time will not be extended after the thirty days as expired.

Q Is there any other statement you desire to make at this time in support of your case? A No sir.

Bernard Cooper, et al.-8

Q Have you any brothers or sisters? A I have two sisters.  
Q What are their names? A One is named Josephine Lolow.  
Q Where is her postoffice address? A Bay St. Louis.  
Q Has she any children? A Yes sir.  
Q How many? A One child I believe--one girl.  
Q Do you know the name of that girl? A Her name is Louisa.  
Q What is the name of your other sister? A Emily Harrison.  
Q Where does she live? A Pass Christian.  
Q Has she any children? A Yes sir, she's got two daughters.  
Q What are their names? A One is named Jistine Labat. And the other one is Maggie--I can't think of her husband's name.  
Q Both of them live at Pass Christian? A No sir, Jistine Labat lives at Bay St. Louis.  
Q It is possible that they will be here at the appointment of the Commission at Bay St. Louis, is it not? A Yes sir.

This applicant has the features and general characteristics of a person possessed of Choctaw blood mixed with a blood of some other race unknown to the examiner, which the applicant states is Mexican. He has black hair, slightly gray and slightly curly, black eyes and black mustache which is rather thin. He speaks and understands the Choctaw language. He knows of no compliance on the part of his ancestors with the provisions of article 14 of the treaty of Dancing Rabbit Creek.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause heard at Bay St. Louis, Mississippi, March 17, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

*Ira S. Niles*

Subscribed and sworn to before me this the 8<sup>th</sup> day of April, 1903.

*Charles H. Sawyer*  
Notary Public.



COPY

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application of Bernard Cooper, et al.,  
for identification as Mississippi Choctaws, M.C.R. 7185.

---: D E C I S I O N :---

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Bernard Cooper for himself and his minor child, Peter Cooper, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 496):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that both of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of August Cooper, who is alleged to have been a Choctaw Indian, degree of blood not stated, and Mrs. George Cooper (Indian name Barney).

who is alleged to have been an one-half blood Choctaw Indian, and to have resided in Mississippi in eighteen hundred and thirty.

The applicants herein also claim said rights by reason of being descendants of the paternal grandmother of the principal applicant, who is alleged to have been a Choctaw Indian, degree of blood not stated; but as they are only able to give her surname it is impossible for the Commission to determine whether or not said ancestor was a beneficiary under the provisions of article fourteen of the treaty of "Dancing Rabbit Creek."

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that neither of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said August Cooper, or Mrs. George Cooper (Indian name Harney), or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder



to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Bernard Cooper and Peter Cooper, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

*Jams Bixby.*

Chairman.

(SIGNED)

*T. B. Needles.*

Commissioner.

(SIGNED)

*C. R. Breckinridge.*

Commissioner.

(SIGNED)

*W. E. Stanley.*

Commissioner.

Muskogee, Indian Territory,

MAR 15 1904

M C R 7185

Muskogee, Indian Territory, April 28, 1905.

Bernard Cooper,

Biloxi, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 21st instant, giving the time and place of your marriage.

In reply you are informed that a copy of your letter has been filed with the record in your case.

Respectfully,

Chairman.

M C R 7185

COPY

Muskogee, Indian Territory, April 7, 1904.

Bernard Cooper,

Bilexi, Mississippi.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 15, 1904, rendered its decision refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Bernard Cooper, et al., including you and your son Peter Cooper.

You are further notified that you will be allowed fifteen days from the date of this notice in which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

*T. B. Needles.*

Commissioner in Charge.

Registered.

M C R 7185

COPY.

Muskogee, Indian Territory, April 7, 1904.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission, rendered March 15, 1904, refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Bernard Cooper, et al.

You are hereby advised that the applicants in this case have been allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*T. B. Needles.*  
Commissioner in Charge.

Enc MCR-7185

COPY:

Muskogee, Indian Territory, April 23, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

There is transmitted herewith the record in the case of Bernard Cooper et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of March 15, 1904.

The Commission has the honor to report that the principal applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED)

*Tams Bixby.*

Chairman.

Through the  
Commissioner of Indian Affairs.

2 Enc. MOR 7185.

DC-20761-1904

DEPARTMENT OF THE INTERIOR,

J.W.H. FRE. (COPY).

ITD 4710-1904.

Washington, June 18, 1904.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

April 22, 1904, you transmitted the record in the matter of the application of Bernard Geeser (M.C.R. 7185), for identification as Mississippi Choctaw, including your decision of March 15, 1904, refusing to identify them as such.

Reporting in the matter June 8, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

E. A. Hitchcock,

Secretary.

1 inclosure.

Land  
28281-1904.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS.

(COPY).

WASHINGTON, June 8, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

Permit me to invite your attention to record of the Commission to the Five Civilized Tribes, in the matter of the application of Bernard Cooper, for the identification of himself and his minor child, Fawn Cooper, as Mississippi Choctaw, wherein a decision rejecting the applicants was rendered by the Commission on March 15, 1904.

The record in this case shows that the applicants base their claims to a right to identification as Mississippi Choctaw on their descent from August Cooper, through his son George Cooper and the wife of George Cooper who is also alleged to have been of Choctaw blood and whose maiden name is Harney (first name not being given.) As to whether any of these Choctaw ancestors from whom they may have descended complied with the provisions of the Fourteenth Article of the treaty of 1830, or received land under any of the provisions of that Treaty, the principal applicant is unable to state, but believes that his Choctaw ancestors of 1830 were recognized citizens of the Choctaw tribe at that time.

The Commission rejected the applicants for the reason that an examination of its records failed to show that August Cooper, or the wife of George Cooper, whose maiden name was Harney, had either complied or attempted to comply with the provisions of the Choctaw treaty of 1830 or the subsequent legislation relative thereto.

An examination of the records of this office has been made with reference to the names of August Gosper and George Gosper and \_\_\_\_\_Harney, his wife, and it is ascertained that these names do not appear among the names of those Cheyenne Indians who complied or attempted to comply with the provisions of the Cheyenne treaty of 1866 or the subsequent legislation relative thereto. It is therefore my opinion that the decision of the Commission rejecting them should be approved, and I so recommend.

Very respectfully,

A. E. Tanner,

Acting Commissioner.

E.B.H.-L.C.



M.C.R. 7103

COPY.

Muskogee, Indian Territory, June 25, 1904.

Bernard Cooper,

Biloxi, Mississippi,

Dear Sir:

You are hereby notified that on the 16th day of June, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Bernard Cooper et al., of which decision you were advised by registered mail on the 7th day of April, 1904.

Respectfully,

(SIGNED)

*Tams Bixby.*

Chairman.

H.C.R. 7185

COPY.

Muskogee, Indian Territory, June 25, 1904.

Manesfield, McMurray & Gornish,

Attorneys For Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby notified that on the 18th day of June, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Bernard Cooper et al., of which decision you were advised by mail on the 7th day of April, 1904.

Respectfully,

SIGNED

*Tams Bixby.*

Chairman.

No. 7185

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date March 17<sup>th</sup> 1903

Name Bernard Cooper

Age 60 Blood  $\frac{3}{4}$

Post Office, Piloyi Miss

Father: George Cooper d. f.

Mother: Mrs. George Cooper  
nee Harisky d.  $\frac{1}{2}$  Cho & Mex

Claims through

father & mother

wife Josephine Cooper (Mex.)  
living

Children:

~~Peter Cooper 20 yr.~~  
~~no claim for~~  
wife.

Stenographer J S Miles

Edward G. Bremer, et al.

APR 1934

ACTION APPROVED BY  
SECRETARY OF INTERIOR,

APPROVED BY THE  
ACTION APPROVED BY THE

JUN 1934

NOTICE OF DEPARTMENTAL ACTION  
FORWARDING TO THE CHIEF OF CHOTAW  
AND CHICKASAW NATIONS.

Choctaw MCR 7186

Jennie W. Ewing

MCR 7186

Department of the Interior  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. March 21, 1903.

---o---

In the matter of the application of Jennie W. Ewing for the identification of herself and her two minor children, Edna E. and Glenn W. Ewing as Mississippi Choctaws.

Thomas & Harrison attorneys.

Jennie W. Ewing being first duly sworn testifies as follows:

Examination by Commission:

- Q What is your name? A Jennie W. Ewing.  
Q What is your age? A Forty-seven.  
Q What is your post office address? A Waco, Texas.  
Q How long have you lived there? A Eighteen years.  
Q Where did you live before you lived there? A Kentucky.  
Q Were you born in Kentucky? A Yes, sir.  
Q Where? A Harrison county.  
Q Is your father living? A No, sir.  
Q Is your mother living? A Yes, sir.  
Q What was your father's name? A John White.  
Q What is your mother's name? A Nancy A. White.  
Q Her maiden name was Cheatham? A Yes, sir.  
Q Do you claim your Choctaw blood through your mother? A I do.  
Q How much Choctaw blood do you claim? A One-eighth.  
Q Do you claim your mother is one-quarter Choctaw Indian? A I do.  
Q Has she been recognized or enrolled as a Choctaw Indian by the United States authorities in Indian Territory? A She has not.  
Q Is your husband living? A Yes, sir.  
Q What is his race? A White.  
Q What is his name? A Elie M. Ewing.  
Q Do you make any claim for him? A I do not.  
Q Now give the names of your children beginning with the oldest?  
A Edna E. Ewing, sixteen.  
Q The next? A Glenn W.  
Q How old? A Eleven.  
Q Is that all? A That is all.  
Q Is your husband Elie M. Ewing father of these two minors? A He is.  
Q Are you and he living together as husband and wife and are these children living with you at your home? A They are.  
Q Is your name with the names of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.  
Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children either to the Choctaw tribal authorities in Indian Territory or to the Dawes Commission under the act of Congress of June 10, 1896? A I have not.  
Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Com-

- mission to the Five Civilized Tribes or the United States authorities in Indian Territory? A We have not.
- Q Do you come before the Commission at this time to be identified with your children as Mississippi Choctaws? A I do.
- Q Do you claim under article fourteen of the treaty of 1830? A I do.
- Q Do you understand that article? A I do.
- Q Did any of your ancestors comply or attempt to comply with any of the provisions of that article? A John Harper attempted to comply in 1830.
- Q John Harper? A Yes, sir.
- Q What relation was John Harper to you? A Great great grandfather.
- Q Do you claim through his wife? A I do.
- Q What was her name? A Mary Ann.
- Q How much Choctaw blood did they have? A From family history we are told they were full blood.
- Q Did they or either of them go to Colonel Ward within six months after the treaty was ratified and attempt to register? A We believe they did.
- Q That is family history and tradition? A Yes, sir.
- Q Did John Harper register? A We attempted to but was refused by Ward.
- Q Did they live in Mississippi or Alabama in the old Choctaw Nation in 1830 and have a family there then? A Not at that time.
- Q Did they ever live in Mississippi? A They did.
- Q When? A Prior to that time, I don't remember the date.
- Q Did either John Harper or his wife or any Choctaw ancestor of yours live on land in the old Choctaw Nation ~~east~~ after the treaty was ratified and get a patent for that land? A I don't know.
- Q Did any Choctaw ancestor go from the old Choctaw Nation east of the Mississippi River to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A I don't know.
- Q Did any of your Choctaw ancestors own any improvement on land in the old Choctaw Nation in 1830? A I don't know.
- Q Did your mother Nancy H. White make application for herself yesterday? A She did.

M.C.R. 7153, M.C.R. 7160 and M.C.R. 7154 are referred to these are the mother and sisters of this applicant.

- Q You heard all their testimony? A I did.
- Q Have you anything to add or change? A Nothing except my mother made a mistake and she testified that they were there in 1830.
- Q Did any of your Choctaw ancestors go before a commission in 1837 or 1842 and claim any rights under article fourteen of the treaty of 1830? A They did not, this ancestor died before that time.
- Q Do you know when he died? A About 1833.
- Q Therefore he couldn't have gone before the Commission of 1837 or 1842? A No, sir.
- Q Did he receive any scrip from the government which entitled him to select land in Mississippi, Alabama, Louisiana or Arkansas? A I don't know.

7186-3

- Q As this scrip was issued under the act of Congress approved August 23, 1842 he couldn't have received that either? A No, sir.
- Q That was issued after he died? A Yes, sir.
- Q You don't know whether his wife received any? A I don't know.
- Q Do you speak or understand Choctaw? A I don't.

Thirty days time is allowed this applicant from this date in which to introduce further proof in this case.

This applicant appears to be descended from white parantage brown hair, blue eyes, medium fair complexion has no knowledge of the Choctaw language.

By attorney:

- Q Are you related to C. C. Hanks? A I am.

We would like to have his case referred to M.C.R. 6308 for the purpose of consolidation.

- Q Are you related to Charles E. Duff? A I have been separated from my relatives so long that I may be and not know it.

By Commission:

Copy of the marriage certificate of Eli M. Ewing and Jennie White presented by applicant, received, marked exhibit "A" and made a part of the record in this case.

Chas. Diffendaffer, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause taken at Muskogee, Indian Territory March 21, 1903, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

*Chas. Diffendaffer*

Subscribed and sworn to before me this 30th day of April 1903.

*Charles H. Sawyer*

Notary Public.



M C R 7186

Muskogee, Indian Territory, July 8, 1903.

E. M. Hwing,  
Attorney at Law,  
Waco, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of July 2, 1903, in which you ask to be advised the status of the "Harper heirs' claim."

In reply you are informed that the Commission has not up to the present time rendered any decision relative to the right of the several persons applicants to this Commission for identification as Mississippi Choctaws, claiming Choctaw descent through John Harper. As soon as a decision is rendered the several applicants will be duly notified of the action of the Commission.

Respectfully,

Commissioner in Charge.

M.C.R. 7186.

Muskogee, Indian Territory, November 6, 1903

E.M. Ewing,

Attorney-at-Law,

Waco, Texas.

Dear Sir:

You are hereby advised that the Commission has this day notified Jennie W. Ewing that she will be allowed thirty days from this date in which to submit further evidence in support of her application for identification of herself and minor children as Mississippi Choctaws and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Commissioner in Charge.

N.C.R. 7186.

Muskogee, Indian Territory, November 6, 1903.

Jennie W. Ewing,

Paco, Texas.

Dear Madam:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of your application for identification of yourself and minor children as Mississippi shooters and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Commissioner in Charge.

H.C.R. 7186.

Muskogee, Indian Territory, March 19, 1904.

Jennie W. Ewing,

Waco, Texas.

Dear Madam:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which the application made by you for the identification as Mississippi Choctaws of yourself and your two minor children, Edna E. and Glenn W. was made a part, refusing said application.

You are further advised that a copy of such decision has been furnished your attorneys of record Thomas & Harrison, Muskogee, Indian Territory, that the record in the case will be retained by the Commission for thirty days from date of the rendition of the decision, and at the expiration of that time will be transmitted, together with such argument and brief as may be submitted by your attorneys, to the Secretary of the Interior for his consideration.

Respectfully,

Registered.

Commissioner in Charge.

M C R 7186

Muskegee, Indian Territory, June 26, 1905.

Jennie W. Ewing,  
Waco, Texas.

Dear Madam:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 19th day of March, 1904.

Respectfully,

Chairman.

7186

No. 7186

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

MAR 21 1903

Date

Name Jennie W. Ewing

Age

47

Blood

1/8

Post Office,

Waco, Tex.

Father:

John White d

Mother:

Nancy A. " l.

Claims through

mother 1/4  
Husband.

Elie M. Ewing. l.w

No claim for husband

Children:

Edna E. Ewing. 16

Glenn W. " 11

Claim for sep  
and 2 minsStenographer *Chas. Simpson*

DECISION RENDERED.

MAR 4 1904

COPY OF DECISION FORWARDED  
ATTORNEYS FOR CHOCTAW AND  
CHICKASAW NATIONS.

MAR 4 1904

NOTICE OF DECISION MAILED APPLICANT.

MAR 19 1904

COPY OF DECISION FORWARDED  
ATTORNEY FOR APPLICANT.

MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED BY  
SECRETARY OF INTERIOR.

MAR 22 1905

NOTICE OF DEPARTMENTAL  
ACTION MAILED APPLICANT.

JUN 26 1905

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT.

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

REFER TO M. C. R.

5370

Choctaw MCR 7187

Nannie Acree

MCR 7187



DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application of Nannie Acree, et al.,  
for identification as Mississippi Choctaws, M.C.R. 7187.

List of papers forwarded to the Secretary of the Interior  
comprising the record in the above case.

(Page)

Original application of Nannie Acree, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Decision of the Commission refusing the applica- tion of Nannie Acree, et al., for identification as Mississippi Choctaws-----	5.

-oOo-

Department of the Interior  
Commission to the Five Civilized Tribes  
Muskogee, I.T. March 21, 1903.

---o---

In the matter of the application of Nannie Acree for the identification of herself and her three minor children, Carrol, Gladys and Earl Acree, as Mississippi Choctaws.

Noland Hynson. attorney

Nannie Acree being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A Nannie Acree.  
Q What is your age? A Twenty-nine.  
Q What is your post office address? A Pittsburg, Texas.  
Q How long have you lived there? A Born and raised there.  
Q Is your father living? A No, sir.  
Q Is your mother living? A Yes, sir.  
Q What is your father's name? A Marion Curry.  
Q What is your mother's name? A Missouri E. Freeman.  
Q Do you claim through your father or mother? A Father's side.  
Q How much Choctaw blood do you claim? A Well I can not tell you.  
Q You don't know how much your father had? A No, sir.  
Q Has your father ever been recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A I couldn't tell you.  
Q Is your husband living? A Yes, sir.  
Q What is his name? A John Acree.  
Q What is his race? A Irishman.  
Q Give the names of your children beginning with the oldest? A Carrol Acree.  
Q What is his age? A Seven.  
Q The next? A Gladys.  
Q How old is she? A Four.  
Q The next? A Baby named Earl.  
Q How old is Earl? A Sixteen months old.  
Q Do you claim for yourself and these children? A Yes, sir.  
Q Is John Acree the father of these children? A Yes, sir.  
Q Are you and he living together as husband and wife and are these children living with you at your home? A Yes, sir.  
Q Is your name or the names of any of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.  
Q Have you ever made application for citizenship in the Choctaw Nation either to the Choctaw tribal authorities in Indian Territory or to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No, sir.  
Q Have you or any of your children ever been admitted to citizenship

in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No, sir.

Q Do you know now come before the Commission to be identified with your children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes, sir.

Q Do you understand that article? A No, sir I don't.

That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

This article which has been read to you was put into the treaty of 1830 for the purpose of protecting the interest of Choctaw Indians who lived south in the old Choctaw Nation east of the Mississippi River in Mississippi and Alabama, and who refused to go to the Choctaw Nation Indian Territory with the other Indians under the treaty. This treaty of 1830, sometimes called the treaty of Dancing Rabbit Creek because made at a place in Mississippi by that name on the 27th day of September of that year, was a treaty made between the government and the Choctaw Indians. The object of the government in making this treaty was to remove the Indians from the old Choctaw Nation east of the Mississippi River to the Choctaw Nation Indian Territory. As stated before some of these Indians wouldn't go and article fourteen was put in to the treaty for their benefit.

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article? A No, sir.
- Q What is the name of your ancestor that you claim your right to be identified through? A Grandma Curry.
- Q You don't know the full name? A Susan.
- Q How much Choctaw blood did she have? A I don't know.
- Q Did she live in Mississippi or Alabama? A Yes, sir born and raised there.
- Q Where, in Mississippi? A Yes, sir.

- Q Whereabouts do you know? A No, sir.
- Q Did she live there in 1830 and have a family there at that time? Yes, sir.
- Q Is Curry her maiden name or married name? A Married.
- Q Do you know her husband's name? A Henson.
- Q Was he a white man? A Yes, sir.
- Q Do you know how much of a family they had in 1830? A No, sir they had a large family.
- Q Did she or did he for her go before Colonel Ward within six months after the treaty was ratified and register or attempt to register under article fourteen? A I don't know.
- Q Did he own any improvement on land in the old Choctaw Nation in 1830? A Yes, sir.
- Q Did they own any land there? A Yes, sir.
- Q Where did they get their land? A Inherited it from her mother.
- Q Where did her mother get it? A Well her and her husband owned it some way.
- Q They didn't get it from the government then? A I can't tell you that.
- Q Where was that land located? A I don't know, they were there, gentlemen, at the time they removed them out of the old settlement.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi River to the Choctaw Nation Indian Territory with the other Indians between the years 1833 and 1838? A I think so.
- Q Or at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A None that I know of.
- Q Did any of your Choctaw ancestors live on land for five years after the ratification of the treaty of 1830 and at the end of that time get a patent for that land? A No, sir Not that I know of.

In 1837 and also 1842 under various acts of Congress Commissions were appointed which went to Mississippi and heard claims under article fourteen of the treaty of 1830. These commissions were appointed because of the complaints of Choctaw Indians who had gone before Colonel Ward and attempted to register under article fourteen of that treaty but were refused by Ward, and because of this refusal these Indians lost their land in the old Choctaw Nation, which was taken from them by the government and sold at its public land sales.

- Q Did your grandmother Curry or any of your ancestors go before either of these commissions and claim any benefit under that treaty? A I don't know.
- Q Did any ancestor receive any scrip from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A No, sir.

This scrip was issued under the act of Congress approved August 23, 1842.

- Q Do you speak or understand the Choctaw language? A No, sir.

7187-4

Q Have any of your relatives been before this commission to be identified as Mississippi Choctaws? A No, sir.

This applicant is allowed thirty days from the date hereof within which to introduce other proof in this case.

Q Have you any other evidence you want to present or any documentary evidence you want to give the Commission at this time? A None that I know of.

This applicant has the appearance and physical characteristics of being ~~descended~~ from white parentage, black hair, black eyes, medium dark complexion, has no knowledge of the Choctaw language and no knowledge of the compliance on the part of any of her ancestors with the provisions of article fourteen.

---o---

Chas. Diffendaffer, being first duly sworn states that as stenographer to the commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause, taken at Muskogee, Indian Territory March 21, 1903, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

*Chas. Diffendaffer*

Subscribed and sworn to before me this 30th day of April 1903.

*Charles H. Sawyer*

Notary Public.

COPY!

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-000-

In the matter of the application of Hannie Acres, et al., for  
identification as Mississippi Choctaws, M.C.R. 7187.

---: D E C I S I O N :---

It appears from the record herein that application for  
identification as Mississippi Choctaws was made to this Commission  
by Hannie Acres for herself and her three minor children, Carrol,  
Gladys and Earl Acres, under the following provision of the act of  
Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the  
identity of Choctaw Indians claiming rights in the Choctaw  
lands under article fourteen of the treaty between the United  
States and the Choctaw Nation, concluded September twenty-  
seventh, eighteen hundred and thirty, and to that end may ad-  
minister oaths, examine witnesses, and perform all other acts  
necessary thereto and make report to the Secretary of the In-  
terior."

It also appears that all of said applicants claim rights  
in the Choctaw lands under article fourteen of the treaty between  
the United States and the Choctaw Nation, concluded September twenty-  
seventh, eighteen hundred and thirty, by reason of being descendants  
of Susan Curry, who is alleged to have been a Choctaw Indian, degree

of blood not stated, and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Susan Curry, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842, (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Nannie Acree, Carrol Acree, Gladys Acree and Earl Acree, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of



said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Larns Bixby.  
Chairman.

(SIGNED)

T. B. Needles.  
Commissioner.

(SIGNED)

C. R. Breckinridge.  
Commissioner.

(SIGNED)

W. E. Stanley.  
Commissioner.

Muskogee, Indian Territory,

MAR 15 1904



M.C.R. 7197.

COPY

Muskogee, Indian Territory, April 7, 1904.

Nannie Acore,

Pittsburg, Texas,

Dear Madam:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 15, 1904, rendered its decision refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Nannie Acore et al., including you and your children Carrol Acore, Gladys Acore and Earl Acore:

You are further notified that you will be allowed fifteen days from the date of this notice in which to file arguments in this office, and that at the expiration of that time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*T. B. Needles.*  
Commissioner in Charge.

Registered.

M.C.R. 7187

COPY:

Muskegee, Indian Territory, April 7, 1904.

Noland Hynson,

Hugo, Indian Territory,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 15, 1904, rendered its decision refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Fannie Acree et al.

You are further notified that the applicants in this case have been allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*I. B. Needles.*

Commissioner in Charge.

Registered.

M.C.R. 7187.

COPY.

Muskogee, Indian Territory, April 7, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission, rendered March 15, 1904, refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Nannie Acree et al.

You are further advised that the applicants in this case have been allowed fifteen days from the date of this notice in which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*T. B. Needles.*

Commissioner in Charge.

Inc. MCR. 7187.

COPY.

Muskogee, Indian Territory, April 23, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

There is transmitted herewith the record in the case of Nannie Acree et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of March 15, 1904.

The Commission has the honor to report that the principal applicant herein, her attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED)

*Tams Bixby.*

Chairman.

Through the  
Commissioner of Indian Affairs.

2 Enc. MCR 7187.

Land.  
26283-1904.

DEPARTMENT OF THE INTERIOR, (COPY)  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON, June 8, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to forward for Departmental action record of the Commission to the Five Civilized Tribes, in the matter of the application of Mannie Acree, for the identification of herself and her three minor children, Carrol, Gladys and Karl Acree, as Mississippi Choctaws, wherein a decision rejecting them was entered by the Commission on March 15, 1904.

The record in this case shows that the applicants trace their alleged Choctaw blood through the grandmother of Mannie Acree, whose name was Susan Curry, who is alleged to have been of Choctaw blood, to have been born and raised in Mississippi, and to have been a member of the Choctaw tribe of Indians. Her husband was named Hensen Curry, her maiden name not being given. The witness, who is the principal applicant, is unable to testify whether her Choctaw ancestor, when she names, complied or attempted to comply with the provisions of the Fourteenth Article of the Choctaw Treaty, or received lands under any other provisions of that instrument.

The Commission rejected the applicants for the reason that an examination of its records failed to show that Susan Curry had complied or attempted to comply with the provisions of the Fourteenth Article of the Choctaw Treaty of 1830, or the subsequent legislation relative thereto.

An examination of the records of this office was made with reference to the name of Susan Curry and Henson Curry, and it is ascertained that their names do not appear among the names of those persons who were beneficiaries under the Fourteenth Article of the Choctaw Treaty or of the subsequent legislation relative thereto. I therefore recommend that the decision of the Commission rejecting them be approved.

Very Respectfully,

A. C. Tonner,

Acting Commissioner.

E.B.H.-L.C.

DC-21002-1904.

(COPY).

J.W.H. FHE.

DEPARTMENT OF THE INTERIOR,

ITD.4708-1904.

L.R.S.

WASHINGTON, June 16, 1904.

Commission to the Five Civilized Tribes.

Muskogee, Indian Territory.

Gentlemen:

April 23, 1904, you transmitted the record in the matter of the application of Nannie Acree et al., (W.C.R. 7187), for identification as Mississippi Choctaws, including your decision of March 15, 1904, refusing to identify them as such.

Reporting in the matter June 8, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

E. A. Hitchcock,

Secretary.

1 inclosure.

H.O.R. 7187

COPY.

Muskogee, Indian Territory, June 30, 1904.

Hannie Acree,

Pittsburg, Texas.

Dear Madam:

You are hereby notified that on the 16th day of June, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Ghosts of the several persons included in the case of Hannie Acree et al., of which decision you were advised by registered mail on the 7th day of April, 1904.

Respectfully,

(SIGNED)

*T. B. Needles.*

Commissioner in Charge.



COPY.

M.C.R. 7187

Muskogee, Indian Territory, June 30, 1904.

Noland Hynson,

Attorney at Law,

Hugo, Indian Territory,

Dear Sir:

You are hereby notified that on the 16th day of June, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Nannie Acree et al., of which decision you were advised by registered mail on the 7th day of April, 1904.

Respectfully,

(SIGNED)

*I. B. Needles.*

Commissioner in Charge.

COPY.

Waskage, Indian Territory, June 30, 1904.

Mansfield, McMurray & Gernick,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 16th day of June, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Nannie Acres et al., of which decision you were advised by mail on the 7th day of April, 1904.

Respectfully,

(SIGNED)

*T. B. Needles.*

Commissioner in Charge.



Annie Acree, et al.

MAR 1904

NOTICE OF DECISION

APR 1904

APR 22 1904

ACTION APPROVED BY  
SECRETARY OF INTERIOR.

NOTICE OF DEPARTMENTAL  
ACTION MAILED APPLICANTS

JUN 2 1904

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

JUN 30 1904

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

JUN 26 1904

Choctaw MCR 7188

Emma Turley

MCR 7188

Department of the Interior  
Commission to the Five Civilized Tribes.  
Muskogee, I. T. March 21, 1903.

---o---

In the matter of the application of Emma Turley for the identification of herself and her minor child Ollie Beck Turley as Mississippi Choctaws.

Harrison & Thomas attorneys.

Emma Turley being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A Emma Turley.  
Q What is your age? A Forty-nine.  
Q What is your post office address? A Cynthiana, Kentucky.  
Q How long have you lived in Kentucky? A Born in Kentucky.  
Q And always lived there? A Always lived there.  
Q Is your father living? A Yes, sir.  
Q Is your mother living? A No, sir.  
Q What is your father's name? A Greenberry Cheatham.  
Q Your mother's name is what? A Melvina Stoker.  
Q Was that her maiden name? A Yes, sir.  
Q Through which parent do you claim your Choctaw blood? A My father.  
Q How much do you claim? A One-eighth.  
Q You claim he is one-quarter Choctaw? A He is one-fourth I guess.  
Q Has your father ever been recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or the United States authorities in Indian Territory? A I don't know.  
Q Have you the proof of your father and mother's marriage with you? A Yes, sir.

The marriage certificate, signed by John Holliday, of Greenberry Cheatham and Melvina Stoker is offered by applicant, filed, Marked Exhibit "A" and made a part of the record in this case.

Certificate of John M. Campbell, clerk of Nicholas county Kentucky and custodian of the records of the county court, as to the marriage of Greenberry Cheatham and Melvina Stoker, received filed, marked exhibit "B" and made a part of the record in this case.

- Q Has your father been recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No, sir.  
Q Is your husband living? A Yes, sir.  
Q What is his name? A James Turley.  
Q What is his race? A White.  
Q Do you make any claim for him? A No, sir.

- Q What is the name of your oldest child? A Lillian D. Turley.  
 Q How old is Lillian? A She is thirty-one.  
 Q She is married then. Give me the name of any child under age?  
 A My boy is twenty years old.  
 Q What is his name? A Ollie Beck Turley.  
 Q How old is he, twenty? A Yes, sir.  
 Q You claim for yourself and this boy? A Yes, sir.  
 Q Are you and your husband living together as husband and wife and is this boy living with you? A He is living with my oldest daughter.  
 Q Are you and your husband living together as husband and wife?  
 A Yes, sir.  
 Q James Turley is the father of Ollie? A Yes, sir.  
 Q And he has no Choctaw blood, that is the father? A No, sir.  
 Q Is your name with the name of your son on any tribal roll of the Choctaw Nation in Indian Territory- are you enrolled as a Choctaw Indian and is your son, here in the the Choctaw Nation? A Yes, sir.  
 Q You are not on the tribal roll? A No, sir.  
 Q Have you ever made application for citizenship in the Choctaw Nation either for your son or for yourself to the Choctaw tribal authorities or the Dawes Commission under the act of Congress of June 10, 1896? A No, sir.  
 Q Do you come before the Commission at this time to identify yourself and your son as Mississippi Choctaws? A Yes, sir.  
 Q Is this the first application that you have ever made or that has ever been made for your or your son in for citizenship in the Choctaw Nation to any authority whatever? A Yes, sir.  
 Q Do you come before the Commission at this time claiming the right of identification under article fourteen? A Yes, sir.  
 Q Do you understand that article? A Yes, sir.

Article fourteen is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply or attempt to comply with that article? A I do not know.  
 Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A John Harper.

- Q De you claim through John Harper's wife or do you know? A No, sir claim through John Harper.
- Q How much Choctaw blood did John Harper have? A I don't know.
- Q What relation was John Harper to you? A He was my great great grandfather.
- Q Did he live in Mississippi or Alabama in 1830 and have a family there at that time? A I don't know.
- Q Did he or any of your Choctaw ancestors within six months after the treaty of 1830 was ratified go to the United States agent, Colonel Ward, at his office in Mississippi and register or attempt to register under article fourteen of the treaty of 1830? A Why he tried to register.
- Q Did he do so? A No, sir.
- Q Do you know why? A He was turned away by the commissioner.
- Q Colonel Ward? A Yes, sir.
- Q Is this family history and tradition? A I don't know.
- Q You get your information from the family? A Yes, sir.
- Q Did John Harper live in Mississippi in 1830? A I don't know.
- Q Or in Alabama? A I don't know.
- Q Do you know where he did live with his family at that time if he had a family then? A I don't know.
- Q Did John Harper or any of your Choctaw ancestors live in Mississippi in that old Choctaw Nation either in Mississippi or Alabama for a period of five years after the treaty was ratified and then get a patent from the government? A I do not know.
- Q Did John Harper or any Choctaw ancestor of your go from that old Choctaw Nation east of the Mississippi River to the Choctaw Nation Indian Territory with the other Indians between the ratification of the treaty of 1830 and the date of this application made by you today? A I do not know.
- Q Do you know whether John Harper or any one of your Choctaw ancestors owned any improvement on land in that old Choctaw Nation in 1830? A I don't know.

In 1837 by an act of Congress approved March 3d of that year and in 1842 by an act approved August 23d of that year, commissions were appointed which went to Mississippi and heard claims under article fourteen of the treaty of 1830. These Commissions were appointed because a great many Choctaw Indians complained that they had tried to register under article fourteen within six months from the ratification of the treaty but that Colonel Ward the agent would not allow them to register and because of his conduct, which was hostile to the Indians who wanted to register under that article, these Indians had their land taken from them by the government and sold at its public land sales.

- Q You don't know whether any of your ancestors went before either of these commissions? A No, sir.
- Q Did any of your ancestors receive scrip from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A I don't know.

This scrip was issued under the act of Congress approved August 23, 1842 and was issued for the purpose of giving land to



these Indians who proved their rights under article fourteen of the treaty of 1830 and also proved that their lands had been taken from them by the government and sold.

Q Do you speak the Choctaw language? A No, sir.

Thirty days time is allowed this applicant from this date in which to introduce other proof in this case.

By attorney:

Q Are you related to C. C. Hanks? A Yes, sir.

We would like to have his case referred to M.C.R. 6508 for the purpose of consolidation.

Q What is the name of your grandfather? A John Cheatham.

Q And state the name of your great grandfather? A John Cheatham.

By Commission:

Q You claim then through Greenberry Cheatham the son of John Cheatham, Jr.? A Yes, sir.

Q And he claims through John Cheatham, Sr.? A Yes, sir.

Q And he claimed through John Harper? A Yes, sir.

Q On the wife's side. Or did John Cheatham, sr. claim through his mother? A I don't know.

By attorney:

Q Is it not true that John Cheatham, Jr. claimed through his mother Polly, who was Polly Harper? A Yes, sir.

Q Is it not also a fact that his father John Cheatham was a white man? A Yes, sir.

Q Then he couldn't claim through his father? A His mother.

Q His mother's name was what? A Polly.

Q And she was whose child? A John Harper and his wife Mary.

By Commission:

Q And she married John Cheatham, Sr.? A Yes, sir.

By Attorney:

Q Have you any other record proof that you desire to introduce? A No, sir.

By Commission:

This applicant has the physical characteristics and appearance of being descended from white parentage, black hair, black eyes, has no knowledge of a compliance on the part of any of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Chas. Diffendaffer, being first duly sworn states that as

7188-5

stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause taken at Muskogee, Indian Territory, March 31, 1903, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

*Chas. Diffendaffer*

Subscribed and sworn to before me this 30th day of April 1903.

*Charles H. Sawyer*

Notary Public.

M C R  
7134-6510-6520  
7188-6767.

Muskogee, Indian Territory, April 24, 1903.

Thomas & Harrison,  
Attorneys at Law,  
Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 20th instant, enclosing certified copy of marriage license and certificate between James W. Aston and Annie Harper, offered in support of the application made by Annie Aston for the identification of herself and minor child as Mississippi Choctaws.

Also the affidavits of Mary M. Hickman and William H. Rigdon, offered in support of the application made by Annie Aston for the identification of herself and minor child as Mississippi Choctaws.

Also certified copy of marriage certificate between Isom D. Yocum and Laura Duff, offered in support of the application made by Laura Yocum for the identification of herself and minor children as Mississippi Choctaws.

Also certified copy of marriage certificate between John F. Horton and Alice Duff, offered in support of the application made by Alice D. Horton for the identification of herself and minor child as Mississippi Choctaws.

T A H 2

Also certified copy of marriage certificate between James L. Turley and Emma B. Cheatham, offered in support of the application made by Emma Turley for the identification of herself and minor child as Mississippi Choctaws.

Also certified copy of marriage record between Albert Morris and Battie Cheatham, offered in support of the application made by Battie Morris for the identification of herself and minor child as Mississippi Choctaws.

The above mentioned documents have been filed in the respective cases.

Respectfully,

Chairman.

M.C.R. 7188.

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,

Attorneys at Law,

Muskogee, Indian Territory,

Gentlemen:

You are hereby advised that the Commission has this day notified ~~Emma~~ Turley that she will be allowed thirty days from this date in which to submit further evidence in support of the application of herself and minor child for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Commissioner in Charge.

M.C.R. 7188.

Muskogee, Indian Territory, November 6, 1903.

Mama Turley,

Cynthiana, Kentucky,

Dear Madam:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of yourself and minor child for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Commissioner in Charge.

MCR-7188

Muskogee, Indian Territory, March 19, 1904.

Emma Turley,

Cynthiana, Kentucky.

Dear Madam:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers et al., of which the application made by you for the identification as Mississippi Choctaws of yourself and your minor daughter, Ollie B. Turley, was made a part, refusing said application.

You are further advised that a copy of such decision has been furnished your attorneys of record, Messrs. Thomas & Harrison, Muskogee, Indian Territory; that the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted, together with such argument and brief as may be submitted by your attorneys of record, to the Secretary of the Interior for his consideration.

Respectfully,

Commissioner in Charge.

Registered.

M C R 7188

Muskogee, Indian Territory, June 26, 1905.

Emma Turley,  
Cynthiana, Kentucky.

Dear Madam:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 19th day of March, 1904.

Respectfully,

Chairman.



7188

No. 7188

FOR IDENTIFICATION AS A MISSISSIPPI CHROMIUM.

Date

MAR 21 1903

Name Emma Turley

Age 49 - Blood 1/8

Post Office, Cynthiana, Ky

Father: Grumberry Cheatham l.

Mother: Melvina " d

Claims through father: 1/4 m.  
Husband.James Turley, l. w  
No claim for husband

Children:

~~Lillian B. Turley~~

Ollie B. Turley, 20

Claims for self &  
one minor.

Stenographer Chas. Safford, Jr.

**DECISION RENDERED.**

**MAR 4 1904**

**COPY OF DECISION FORWARDED  
ATTORNEYS FOR CHOCTAW AND  
CHICKASAW NATIONS.**

**MAR 4 1904**

**NOTICE OF DECISION MAILED APPLICANT: MAR 19 1904**

**COPY OF DECISION FORWARDED  
ATTORNEY FOR APPLICANT.**

**MAR 14 1904**

**RECORD FORWARDED DEPARTMENT.**

**JUN 13 1904**

**ACTION APPROVED BY  
SECRETARY OF INTERIOR.**

**MAR 21 1905**

**NOTICE OF DEPARTMENTAL  
ACTION MAILED APPLICANT**

**JUN 26 1905**

**NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT**

**JUN 26 1905**

**NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.**

**REFER TO M. C. R.**

**5670**

Choctaw MCR 7189

Lillian Collier

MCR 7189

Department of the Interior  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. March 21, 1903.

---0---

In the matter of the application of Lillian Collier for the identification of herself as a Mississippi Choctaw.

Thomas & Harrison attorneys

Lillian Collier being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A Lillian Collier.  
Q What is your age? A Thirty-one.  
Q What is your post office address? A West Liberty, Kentucky.  
Q How long have you lived there? A About five years.  
Q Where you born? A Nicholas county.  
Q You have always lived in Kentucky? A Yes, sir.  
Q Is your father living? A Yes, sir.  
Q Is your mother living? A Yes, sir.  
Q What is your father's name? A James Turkey.  
Q What is your mother's name? A Emma Turley.  
Q Has your mother just been before the Commission? A Yes, sir.

Her application M.C.R. 7188 is referred to.

- Q You claim through your mother do you? A Yes, sir.  
Q How much Choctaw blood do you claim? A One-eighth.  
Q She claimed one-quarter? A Yes, sir.  
Q Has your mother been recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No, sir.  
Q Is your husband living? A Yes, sir.  
Q What is his race? A White.  
Q What is his name? A Sam Collier.  
Q Do you make any claim for him? A No, sir.  
Q You claim for yourself alone? A Yes, sir.  
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.  
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No, sir.  
Q Have you ever made any such application to the Dawes Commission under the act of Congress of June 10, 1896? A No, sir.  
Q Have you ever been enrolled as a member of the Choctaw tribe of Indians by any authority whatever? A No, sir.  
Q This is your first application? A Yes, sir.  
Q Do you come before the Commission now to be identified as a Mississippi Choctaw? A Yes, sir.  
Q Do you claim that right under article fourteen of the treaty of 1830? A Yes, sir.

Q Do you understand that article? A Yes, sir.

That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you know if any of your Choctaw ancestors complied or attempted to comply with that article? A Yes, sir.

Q Who is your ancestor that you claim through? A John Harper.

Q Did he live in Mississippi or Alabama in 1830? A I don't know.

Q Do you know whether you claim through John Harper's wife or not? A I don't know.

Q How much Choctaw blood did John Harper have? A I couldn't tell you.

Q You have heard that he was a Choctaw Indian? A Yes, sir.

Q What relation was he to you? A Great great great grandfather.

Q You claim through your mother do you not? A Yes, sir.

Q And she claims through whom father or mother? A Her father.

Q What is his name? A Greenberry Cheatham.

Q Now Greenberry Cheatham claimed through whom father or mother? A Father.

Q And his name was what? A John Cheatham.

Q And he claims through whom father or mother? A Father.

Q What is his name? A John Cheatham.

Q Another John Cheatham? A Yes, sir.

Q And Polly Harper who married John Cheatham claims through whom? A John Harper.

Q Now you have given it this way: you claim through your mother Emma Turley and she claims through her father Greenberry Cheatham, he claims through his father John Cheatham, he claims through his father John Cheatham, he claims through another John Cheatham who married Polly Harper, and the claim then is through Polly Harper the daughter of John Harper. Haven't you got one John Cheatham too many in there, don't you think you have one John too many? A I expect I have.

Q Isn't it true that John Cheatham the father of Greenberry Cheatham claimed through his mother Polly Harper who married John Cheatham? A Yes, sir.

- Q That would be John Cheatham, Sr.? A Yes, sir.
- Q And this Polly Harper who married John Cheatham, Sr. is the daughter of John Harper? A Yes, sir.
- Q Now did any of your Choctaw ancestors whose names you have given live in the old Choctaw Nation either in Mississippi or Alabama in 1830? and have a family there then? A I don't know.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi River to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A I don't know.
- Q Did John Harper or Polly Cheatham his daughter or John Cheatham Sr., or anyone of your Choctaw ancestors live on land in the old Choctaw Nation for five years after the treaty of 1830 was ratified and then get a patent from the government? A I don't know.
- Q Did any of your Choctaw ancestors claim any land in the old Choctaw Nation under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors own any improvement on land in the old Choctaw Nation in 1830? A I don't know.
- Q Did any of your Choctaw ancestors go before the Commission of 1837 or the Commission of 1842 and claim any benefits under article fourteen of the treaty of 1830? A I don't know.

These commissions were appointed one by an act of Congress approved March 3, 1837 and the other by an act of Congress approved August 23, 1842 for the purpose of hearing the complaints of Choctaw Indians who tried to register under article fourteen of the treaty of 1830 within six months from the ratification of that treaty, but who had been refused and prevented from so doing by Colonel Ward, and as a result of his conduct these Indians lost their land in the old Choctaw Nation which had been taken from them by the government and sold at its public land sales.

- Q Did any of your ancestors receive any scrip from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A I don't know.

This scrip was issued under the act of Congress approved August 23, 1842, and was issued to Choctaw Indians who proved their right under article fourteen of the treaty of 1830 and also proved that their lands in the old Choctaw Nation had been taken from them by the government and sold.

- Q Do you speak or understand the Choctaw language? A No, sir.

This applicant will be allowed thirty days time from this date in which to introduce other proof in this case.

By attorney:

- Q Are you related to G. C. Hanks? A Yes, sir.
- Q Do you know whether or not he is an applicant before the Commission for identification as a Mississippi Choctaw? A I just hear that he is.

- Q Have you been informed that he is? A Yes, sir.  
 Q And have you been informed through whom he claims his Indian blood  
 A Yes, sir.  
 Q Through whom? A John Harper.  
 Q The same John Harper that you claim through? A Yes, sir.

We would like for this case to be referred to No. 6508,  
 C. C. Hanks for the purpose of consolidation.

- Q Were you not mistaken when you said you claimed to be one-eighth?  
 A Well I don't know.  
 Q Polly Harper was a full blood wasn't she? A Yes, sir.  
 Q She married a white man named Cheatham? A Yes, sir.  
 Q And her son, John Cheatham, was a one-half breed was he not? A  
 Yes, sir.  
 Q His son Greenberry Cheatham would be one-quarter? A Yes, sir.  
 Q And his daughter Emma would be one-eighth? A Yes, sir.  
 Q And her daughter, yourself, would be one-sixteenth? A Yes, sir.  
 Q Then you were mistaken? A Yes, sir.  
 Q Have you never heard that John Harper and his wife were full blood  
 Choctaw Indians? A I have heard it said.  
 Q How much Choctaw blood would you say that they had from such  
 information that you have had? A I wouldn't say.  
 Q Not speaking from positive knowledge but from the best information  
 you have heard how much blood would you say they had? A I don't  
 know.  
 Q Well if their daughter was full blood they must have been full  
 blood would they not? A Yes, sir.  
 Q Then what would you say? A Full blood.

By Commission:

This applicant appears to be descended from white parantage  
 brown hair, blue eyes, medium fair complexion, has no knowledge  
 of the Choctaw language.

---0---

Chas. Diffendaffer being first duly sworn states that as  
 stenographer to the commission to the Five Civilized Tribes he re-  
 ported the proceedings had in the above entitled cause taken at  
 Muskogee, Indian Territory, March 21, 1903, and that the foregoing  
 is a full, true and correct transcript of his stenographic notes  
 taken in said cause on said date.

*Chas. Diffendaffer*

subscribed and sworn to before me this 30th day of April 1903.

*Charles H. Sawyer*

Notary Public.

M.C.R. 7189.

Muskogee, Indian Territory, November 6, 1903.

Lillian Collier,

West Liberty, Kentucky.

Dear Madam:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of your application for identification as a Mississippi Choctaw and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Commissioner in Charge.



M.C.R. 7189.

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,

Attorneys-at-Law,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission has this day notified Lillian Collier that she will be allowed thirty days from this date in which to submit further evidence in support of her application for identification as Mississippi Choctaws and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Commissioner in Charge.

MCR.7139

Muskegee, Indian Territory, March 19, 1904.

Lillian Collier,

West Liberty, Kentucky.

Dear Madam:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers et al., of which the application made by you for identification as a Mississippi Choctaw, was made a part, refusing said application.

You are further advised that a copy of such decision has been furnished your attorneys of record, Messrs. Thomas & Harrison, Muskegee, Indian Territory; that the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted, together with such argument and brief as may be submitted by your attorneys of record, to the Secretary of the Interior for his consideration.

Respectfully,

Commissioner in Charge.

Registered.

M C R 7189

Muskogee, Indian Territory, June 26, 1905.

Lillian Collier,  
West Liberty, Kentucky.

Dear Madam:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification of Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 19th day of March, 1904.

Respectfully,

Chairman.

7189

No. 7189

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 21 1903

Name *Lillian Collier*

Age

31

Blood

~~1/8~~ 1/16

Post Office,

*West Liberty Ky*

Father:

*James Turley, l.*

Mother:

*Emma " l.*

Claims through

*mother '14**Husband -**Sam Collier - l. w**No claim for husband*

Children:

*Claims for self  
alone*

A MISSISSIPPI CHOCTAW

Lillian Collier

DECISION RENDERED.

MAR 4 1904

COPY OF DECISION FORWARDED  
ATTORNEYS FOR CHOCTAW AND  
CHICKASAW NATIONS.

MAR 4 1904

NOTICE OF DECISION MAILED APPLICANT:

MAR 19 1904

COPY OF DECISION FORWARDED  
ATTORNEY FOR APPLICANT.

MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED BY  
SECRETARY OF INTERIOR.

MAR 26 1905

NOTICE OF DEPARTMENTAL  
ACTION MAILED APPLICANT.

JUN 26 1905

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT.

JUN 26 1905

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

JUN 26 1905

REFER TO M. C. R.

5670

Choctaw MCR 7190

Annie Brayfield

MCR 7190

Department of the Interior  
Commission to the Five Civilized Tribes  
Muskogee, I.T. March 21, 1903.

---0---

In the matter of the application of Annie Brayfield for the identification of herself and her minor child, Ollie H. Brayfield, as Mississippi Choctaws.

Thomas & Harrison attorneys.

Annie Brayfield being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A Annie Brayfield.  
Q What is your age? A Forty-four.  
Q What is your post office address? A Carlisle, Kentucky.  
Q How long have you lived in Carlisle? A All my life.  
Q Is your father living? A Yes, sir.  
Q Is your mother living? A No, sir.  
Q What is your father's name? A Greenberry Cheatham.  
Q What was your mother's name? A Melvina Cheatham.  
Q Do you claim your Choctaw blood through your father? A Yes, sir.  
Q How much do you claim? A One-eighth.  
Q You claim he was one-fourth? A Yes, sir.  
Q Has your father ever been recognized as a Choctaw Indian or enrolled as such by the Choctaw tribal authorities in Indian Territory or by the United States authorities under the act of Congress of June 10, 1896? A No, sir.  
Q Have you proof of the marriage of your father and mother here or has it been filed in some other application? A Yes, sir.  
Q In what case was it filed? A Emma Turley.  
Q What relation is Emma Turley to you? A Sister.  
Q She has made application today has she not to be identified as a Mississippi Choctaw? A Yes, sir.  
Q And marriage record of your father and mother was filed in her case? A Yes, sir.

Case of Emma Turley is referred to M.C.R. 7188.

- Q Is your husband living? A Yes, sir.  
Q What is his race? A White.  
Q What is his name? A M. B. Brayfield.  
Q Do you make any claim for your husband? A No, sir.  
Q How the name of your child? A Ollie H. Brayfield.  
Q How old is Ollie? A Nineteen.  
Q You claim for yourself and Ollie do you? A Yes, sir.  
Q Is your name with that of your son on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.  
Q Is your husband M. B. Brayfield the father of this child? A X Yes, sir.

- Q And are you and your husband living together as husband and wife and is this boy living with you at your home? A Yes, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and son either to the Choctaw tribal authorities in Indian Territory or to the Dawes Commission under the act of Congress approved June 10, 1896? A No, sir.
- Q Have you or your son ever been admitted to citizenship in the Choctaw Nation by any authority whatever up to the present time? A No, sir.
- Q Do you come before the Commission now to be identified as a Mississippi Choctaw? A Yes, sir.
- Q Do you claim under article fourteen? A Yes, sir.
- Q Do you understand that article?

It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article? A Yes, sir.
- Q Who was that ancestor who did comply or who you think attempted to comply? A John Harper.
- Q Do you claim through his wife? A No, sir.
- Q How much Choctaw blood did John Harper have? A Well I don't know.
- Q What relation was he to you? A He was great great grandfather.
- Q Do you claim through your father or mother? A Father.
- Q And he claims through whom father or mother? A Father.
- Q His name was what? A Greenberry Cheatham.
- Q And Greenberry Cheatham claims through whom? A John Cheatham his father.
- Q And John Cheatham claims through whom? A John Cheatham.
- Q John Cheatham claims through whom? A I don't know.
- Q How do you know John Harper was a Choctaw Indian and lived in the old Choctaw Nation at any time? A Just heard it that is all.
- Q That is a matter of family history? A Yes, sir.



- Q Did John Harper live there in 1830 and have a family there then?  
A I don't know.
- Q Did he have a family living with him in 1830 and if so where? A I couldn't tell you that.
- Q Did John Harper go from the old Choctaw Nation east of the Mississippi River to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A I do not know.
- Q Or at any time between the years 1833 and 1838 with the other Indians at the expense of the government? A I don't know.
- Q Did he or any of your ancestors, having Choctaw blood, live on land in the old Choctaw Nation for five years after the treaty was ratified and at the end of that time get a patent from the government? A I don't know.
- Q Did he or any of your ancestors go to Colonel Ward, the Indian agent within six months from the ratification of the treaty of 1830 and register or attempt to register under article fourteen of the treaty of 1830? A Yes, sir.
- Q Did he register? A No, sir.
- Q Was it John Harper who went? A Yes, sir.
- Q Did he succeed in registering? A No, sir.
- Q Did any of your Choctaw ancestors own any improvement on land in the old Choctaw Nation in 1830? A I don't know.

In 1837 and 1842 under various acts of Congress commissions were appointed which went to Mississippi and heard claims under article fourteen of the treaty of 1830. These commissions were appointed by acts of Congress, the first by an act of March 3, 1837 and the second by an act approved August 23, 1842, for the purpose of hearing Choctaw Indian claimants who had tried to register under article fourteen of the treaty of 1830 within six months from the ratification of the treaty of 1830, but had been refused registration by Ward, and as a result their land had been taken from them in the old Choctaw Nation and sold.

- Q Do you know if any of your Choctaw ancestors went before either of these commissions and claimed any benefit under article 14 of this treaty? A I don't know.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A I don't know.

This scrip was issued under an act of Congress approved August 23, 1842.

- Q Do you speak or understand the Choctaw language? A No, sir.

Thirty days time will be allowed this applicant for the introduction of other proof.

By attorney:

- Q You stated that Polly Harper married a man named John Cheatham who was a white man? A Yes, sir.
- Q Then their children would get their blood through which one of the parents? A Their mother.

- Q Then if you stated that John Cheatham, Jr. derived his blood from his father, the husband of Polly you were mistaken were you not?  
A No, sir.
- Q Was John Cheatham a white man? A Yes, sir, he was yes, sir.
- Q Through whom did John Cheatham claim his Indian blood? A John Cheatham and Polly Harper I guess.
- Q Is that question in any doubt in your mind? A No, sir.
- Q Did you never hear that John Harper's wife was a full blood?  
A Yes, sir.
- Q Do you remember to have heard what her name was? A Polly.
- Q Did she have any name other than that? A Polly Harper.
- Q She had two daughters? A Her name was Mary Ann.
- Q Are you related to C. C. Hanks? A Yes, sir.
- Q Do you know whether he ever appeared before the commission for registration? A No, sir, I don't know.
- Q Do you know whether or not he claims Choctaw blood? A I have heard he does.
- Q Through whom? A I don't know that.
- Q Did you ever hear he claimed it through John Harper? A Yes, sir I have.
- Q Now was this the same John Harper you claim through? A Yes, sir I guess it was.

We ask that this case be referred to No. 6508 C. C. Hanks for the purpose of consolidation.

- Q Have you any record proof or documentary evidence that you desire to introduce at this time in the way of marriage licenses, court records or evidence? A Yes, sir I have marriage certificate.

By Commission:

Affidavit of Dr. J. R. Tilton in regard to the marriage of Mart Brayfield and Annie Brayfield, received, marked exhibit "A" and made a part of the record in this case.

Also joint affidavit of Caroline Kennedy and Carrie Rye with reference to the marriage of M. B. Brayfield, received marked exhibit "B" and made a part of the record in this case.

This applicant has the appearance of being descended from white parentage, she has gray eyes, brown hair, medium fair complexion, doesn't understand the Choctaw language and has no knowledge of a compliance on the part of any of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

-----0-----

Chas. Diffendaffer, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he re-

7190-5

ported the proceedings had in the above entitled cause taken at Muskogee, Indian Territory, March 21, 1903, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

*Chas. Diffendaffer*

Subscribed and sworn to before me this 30th day of April, 1903.

*Charles H. Sawyer*

Notary Public.

M.C.R. 7190.

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,

Attorneys at Law,

Muskogee, Indian Territory,

Gentlemen:

You are hereby advised that the Commission has this day notified Annie Brayfield that she will be allowed thirty days from this date in which to submit further evidence in support of the application of herself and minor child for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Commissioner in Charge.

M.C.R. 7190.

Muskogee, Indian Territory, November 6, 1903.

Annie Brayfield,

Carlisle, Kentucky,

Dear Madam:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of yourself and minor child for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, March 19, 1904.

Annie Brayfield,

Carlisle, Kentucky.

Dear Madam:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers et al., of which the application made by you for the identification as Mississippi Choctaws of yourself and your minor daughter, Ollie M. Brayfield, was made a part, refusing said application.

You are further advised that a copy of such decision has been furnished your attorneys of record, Messrs. Thomas & Harrison, Muskogee, Indian Territory; that the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted, together with such argument and brief as may be submitted by your attorneys of record, to the Secretary of the Interior for his consideration.

Respectfully,

Commissioner in Charge.

Registered.

M C R 7190

Muskogee, Indian Territory, June 26, 1905.

Annie Brayfield,  
Carlisle, Kentucky.

Dear Madam:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 19th day of March, 1904.

Respectfully,

Chairman.

7190

No. 7190

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

MAR 21 1903

Date

Name *Annie*  
*Anna* Brayfield

Age 44 - Blood 1/8

Post Office, Carlisle, Ky -

Father: Greenberry Cheatham, I

Mother: Melvina " d

Claims through father 1/4

Husband

M. B. Brayfield, I. W.

No claim for husband

Children:

Ollie H. Brayfield, 19

claims for self &  
one minor

Stenographer *Chas. Reed*



A MISSISSIPPI CHOCTAW.

Annie Brayfield, et al

DECISION RENDERED.

MAR 4 1904

COPY OF DECISION FORWARDED  
ATTORNEYS FOR CHOCTAW AND  
CHICKASAW NATIONS.

MAR 4 1904

NOTICE OF DECISION MAILED APPLICANT: MAR 19 1904

COPY OF DECISION FORWARDED  
ATTORNEY FOR APPLICANT.

MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904.

ACTION APPROVED BY  
SECRETARY OF INTERIOR.

MAR 3 1905

NOTICE OF DEPARTMENTAL  
ACTION MAILED APPLICANT.

JUN 26 1905

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT.

JUL 1 1905

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

REFER TO M. C. R.

5670

Choctaw MCR 7191

Bertie S. Brayfield

MCR 7191

Department of the Interior  
Commission to the five civilized Tribes.  
Muskogee, I.T. March 21, 1903.

---o---

In the matter of the application of Bertie S. Brayfield  
for the identification of herself as a Mississippi Choctaw:

Thomas and Harrison attorneys.

Bertie S. Brayfield being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A Bertie S. Brayfield.  
Q What is your age? A Twenty-three.  
Q What is your post office address? A Carlisle, Kentucky.  
Q Have you always lived there? A All my life.  
Q Is your father living? A He is.  
Q And your mother? A she is.  
Q What is your father's name? A Mark Brayfield.  
Q What is your mother's name? A Annie Brayfield.  
Q Do you claim ~~your~~ Choctaw blood through your mother? A Yes, sir.  
Q How much Choctaw blood do you claim? A One-sixteenth.  
Q Your mother claims one-eighth? A One-eighth.  
Q she has made application to be identified as a Mississippi Choctaw on this date has she not? A Yes, sir.

Case of Annie Brayfield M.C.R. N 7190 is referred to.

- Q Has your mother been recognized or enrolled as a Choctaw Indian by any authority whatever in Indian Territory? A No, sir.  
Q You claim for yourself alone do you? A Yes, sir.  
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.  
Q You claim for yourself alone do you? A Yes, sir.  
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.  
Q Have you ever made application for citizenship in the Choctaw Nation either to the Choctaw tribal authorities in Indian Territory or to the Dawes Commission under the act of Congress of June 10, 1896? A No, sir.  
Q This is your first application to be identified as a Mississippi Choctaw or to be enrolled as a Choctaw Indian? A Yes, sir.  
Q Do you claim under article fourteen of the treaty of 1830? A Yes, sir.  
Q Do you understand that article? A Yes, sir.  
Q Do you know if any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article as read to you? A Yes, sir.  
Q Who did? A John Harper.  
Q What relation was John Harper to you? A Great great grandfather  
Q Do you claim through his wife? A Yes, sir.

- Q What was her name? A Mary Ann.
- Q Do you claim through her? A Through John Harper.
- Q You don't claim anything through her? A No, sir.
- Q How much Choctaw blood did John Harper have? A I guess he was full blood.
- Q Full blood what? A Choctaw.
- Q Did John Harper live at any time in Mississippi or Alabama in the old Choctaw Nation? A I don't know.
- Q Where was he born and when? A I don't know.
- Q When and where did he die? A Well he went to his home and died in Mississippi.
- Q Where was his home? A I don't know.
- Q Have you any idea where John Harper ever lived during his natural existence? A No, sir, I do not.
- Q A little while ago you stated that John Harper was three greats, what do you mean by that? A He was my great great great grandfather.
- Q How do you know he was? A From tradition.
- Q That is the way you understand it? A Yes, sir.
- Q Did you ever hear that your great great great grandfather John Harper lived in the old Choctaw Nation in 1830 and was head of a family there then? A No, sir.
- Q Did you ever hear that he or any of your Choctaw ancestors went to Colonel Ward within six months after the treaty was ratified and registered or attempted to register under article fourteen? A Yes, sir.
- Q What was done with his attempt to register? A He was turned away.
- Q By whom do you know? A Commissioner.
- Q By Colonel Ward? A Colonel Ward.
- Q What proof have you for that statement? A Just hearsay.
- Q Did he or any Choctaw ancestor of yours live on land in the old Choctaw Nation for a period of five years after the treaty was ratified and then get a deed or patent from the government for that land? A I don't know.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi River to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A I don't know.
- Q Did any of your Choctaw ancestors go at any time between the years 1833 and 1838 at the expense of the government? A I don't know.
- Q Did any of them go before a commission in 1837 or 1842 and claim any right under article fourteen of the treaty of Dancing Rabbit Creek? A I don't know.

These commissions were appointed one in 1837 and the other in 1842 for the purpose of hearing Choctaw Indians who claimed that they had attempted to register under article fourteen of the treaty of 1830 and had been refused by Colonel Ward and because of his refusal their lands had been taken from them in the old Choctaw Nation and sold by the government at its public land sales.

- Q Did any of your Choctaw ancestors receive any scrip which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A No, sir.

This scrip was issued under the act of congress approved August 23, 1842 and was given to Choctaw Indians who claimed their right under article fourteen of the treaty of 1830 and also claimed that their lands had been taken from them by the government and sold.

Q Do you speak or understand the Choctaw language? A No, sir.

Thirty days time will be allowed this applicant from this date in which to introduce other proof in this case.

By attorney:

Q Are you related to C. C. Hanks? A Yes, sir.

Q Is C. C. Hanks an applicant for identification as a Mississippi Choctaw? A I have heard he was.

Q Through whom does he claim? A John Harper.

Q Is this the same John Harper through whom you claim? A Yes, sir.

Q And for that reason you say he is related to you? A Yes, sir.

We would like to have the case of C. C. Hanks No 6508 referred to for the purpose of consolidation.

Q In answer to the question as to whether or not any of your ancestors had received any scrip you states "No, sir". Did you intend to make that answer or did you intend to say that you don't know or what did you intend to say? A I don't remember.

Q Did any of your Choctaw ancestors receive any scrip from the United States government in lieu of lands? A Well I don't know.

Q But if you said "No sir" in answer to the question by the Commission you were mistaken as to that and you now wish to change your answer to, I don't know; is that right? A Yes, sir.

Q Have you not heard that your great great great grandmother wife of John Harper, whose name was Mary Ann was a full blood Choctaw Indian? A Yes, sir.

Q Then you claim through her also do you not? A Yes, sir.

Q When you stated a moment ago that you do not claim through her you were mistaken as to the extent of your claim were you? A I guess I was.

Q Have you ever heard it stated where John Harper was living at the time of his death? A In Mississippi. I am not sure about it but in Mississippi.

Q You stated a moment ago that you think he went to Mississippi and died there? A Yes, sir.

Q When you answered that you did not fully understand the question? A Yes, sir.

Q Do you now say that you think he went to Mississippi and died there? A Yes, sir, what I have heard I am not sure about it.

Q You don't undertake to say he did not die in the state of Kentucky? A I think he died in Mississippi.

Q What I asked you was do you not undertake to say he, John Harper, did die in the state of Kentucky? A I don't understand.

7191-4

- Q That is a simple question; you do not now undertake to state that John Harper died in the State of Kentucky? A No, sir.
- Q You don't know where? A No, sir.

By Commission:

This applicant appears to be descended from white parentage has brown hair, brown eyes, medium fair complexion; doesn't understand the Choctaw language.

---o---

Chas. Diffendaffer, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause taken at Muskogee, Indian Territory, March 21, 1903, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

*Chas. Diffendaffer*

Subscribed and sworn to before me this 30th day of April 1903.

*Charles H. Sawyer*  
Notary Public.

H.C.R. 7191.

Muskogee, Indian Territory, November 6, 1903.

Bertie S. Brayfield,

Carlisle, Kentucky,

Dear Madam:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of your application for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Commissioner in Charge.

M.C.R. 7191.

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,

Attorneys at Law,

Muskogee, Indian Territory,

Gentlemen:

You are hereby advised that the Commission has this day notified Bertie S. Brayfield that she will be allowed thirty days from this date in which to submit further evidence in support of her application for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Commissioner in Charge.



WCR.7191

Muskogee, Indian Territory, March 19, 1904

Bertie S. Brayfield,

Carlisle, Kentucky.

Dear Sir:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers et al., of which the application made by you for identification as a Mississippi Choctaw, was made a part, refusing said application.

You are further advised that a copy of such decision has been furnished your attorneys of record, Messrs. Thomas & Harrison, Muskogee, Indian Territory, that the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted, together with such argument and brief as may be submitted by your attorneys of record, to the Secretary of the Interior for his consideration.

Respectfully,

Commissioner in Charge.

Registered.

M C R 7191

Muskogee, Indian Territory, June 26, 1905.

Bertie S. Brayfield,  
Carlisle, Kentucky.

Dear Madam:

You are hereby notified that on the 30th day of March, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 19th day of March, 1904.

Respectfully,

Chairman.

7191

No. 7191

FOR IDENTIFICATION AS A MISSISSIPPI-CHOCTAW.

Date

MAR 1 1908

Name Bertie S. Brayfield

Age 23 -

Blood 1/16

Post Office, Carleisle, Ky., -

Father: Mark Brayfield, I

Mother: Annie " I

Claims through mother 1/8

~~Children:~~

Claims for self  
alone

Stenographer Chas. Leonard Brown

DECISION RENDERED.

MAR 4 1904

COPY OF DECISION FORWARDED  
ATTORNEYS FOR CHOCTAW AND  
CHICKASAW NATIONS.

MAR 4 1904

NOTICE OF DECISION MAILED APPLICANT:

MAR 19 1904

COPY OF DECISION FORWARDED  
ATTORNEY FOR APPLICANT.

MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED BY  
SECRETARY OF INTERIOR.

MAR 2 1905

NOTICE OF DEPARTMENTAL  
ACTION MAILED APPLICANT.

JUN 26 1905

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT:

JUN 2 1905

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

REFER TO M. C. R.

5870

Choctaw MCR 7192

Lucian L Cheatham

MCR 7192

Department of the Interior  
Commission to the Five Civilized Tribes  
Muskogee, I.T. March 21, 1903.

---0---

In the matter of the application of Lucian L. Cheatham for the identification of himself and his two minor children, Charlie L. and Gladys Cheatham, as Mississippi Choctaws.

Thomas & Harrison attorneys.

Lucian L. Cheatham being first duly sworn testifies as follows:

Examination by the commission:

- Q What is your name? A Lucian L. Cheatham.  
Q What is your age? A Thirty-nine.  
Q What is your post office address? A Hillsborough, Texas.  
Q How long have you lived there? A I have lived there about eight years.  
Q Where did you live before that? A Lived in Albany, Texas.  
Q Born where? A Nicholas county Kentucky.  
Q And went from there to Texas? A Yes, sir.  
Q Is your father living? A Yes, sir.  
Q Is your mother living? A Yes, sir.  
Q What is your father's name? A Greenberry Cheatham.  
Q What is your mother's name? A Her maiden name?  
Q No? A Melvina.  
Q Through which parent to you claim your Choctaw blood? A My father.  
Q How much do you claim? A One-eighth.  
Q You claim he was one-fourth? A Yes, sir.  
Q Has your father been recognized or enrolled as a Choctaw by any authority in Indian Territory? A No, sir.  
Q Has she been before the Commission to be identified as a Mississippi Choctaw? A I don't know, he was up here.  
Q Is your wife living? A Yes, sir.  
Q What is her name? A Sallie A. Wolf.  
Q That was her maiden name? A Yes, sir.  
Q What is her race? A White.  
Q Do you make any claim for her? A No, sir.  
Q Give me the names of your children? A Charlie L. Cheatham.  
Q How old is Charlie? A Seven years old.  
Q The next? A Gladys?  
Q How old? A five years old.  
Q You claim for yourself and these two children do you? A Yes, sir.  
Q Is Sallie A. Cheatham the mother of these children? A Yes, sir.  
Q Are you and your wife living together as husband and wife and is this child living with you at your home? A Yes, sir.  
Q When were you married to her and where? Have you proof of that marriage? A Yes, sir.

Marriage record of the marriage of L. L. Cheatham and Sallie A. Wolf signed by J. C. Dodson, received, marked exhibit "A" and made apart of the record in this case.

The affidavit of J. M. Chisoms in regard to the marriage of L. L. Cheatham and Sallie A. Wolfe presented by this applicant marked exhibit "B" and made a part of the record in this case.

The state of L. L. Cheatham in writing before a notary public in reference to his marriage with Sallie A. Wolf, presented by applicant received, marked exhibit "C" and made a part of the record in this case.

Copy of marriage certificate of marriage of Greenberry Cheatham and Melvina Mann, marked exhibit "D" and made a part of the record in this case.

The affidavit of Jno. M. Campbell, clerk of Nicholas county court, Kentucky, with reference to the statement of the records of the marriage of Greenberry Cheatham and Melvina Mann, received, marked exhibit "E" and made a part of the record in this case.

- Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory, with your children? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation either to the Choctaw tribal authorities in Indian Territory or to the Dawes Commission under the act of Congress of June 10, 1896? A No, sir.
- Q Are your name or are the names of your children on any tribal roll of the Choctaw Nation in Indian Territory? A They are not.
- Q Do you want to identify yourself and them as Mississippi Choctaws? A Yes, sir.
- Q Do you claim under article fourteen of the treaty of 1830? A Yes, sir.

Article fourteen is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over then years of age and a quarter section to such child as may be under then years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You understand that? A Yes, sir.
- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with any provisions of that article? A I don't know.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A John Harper
- Q How much Choctaw blood did John Harper have? A Full blood.
- Q What relation was John Harper to you? A My great great grandfather.
- Q Do you claim through his wife? A John Harper's wife? X
- Q Yes, sir? A I claim through them both.
- Q What is her name? A John Harper and Mary Ann Harper.
- Q How much Choctaw blood did Mary Ann Harper have? A Full blood., as I understand.
- Q Did they live in Mississippi in 1830 and have a family there then or Alabama? A I don't know.
- Q Did they go to Colonel Ward and try to register under article fourteen of the treaty of 1830 within six months from the ratification of the treaty? A I hear they did.
- Q Did they register? A I heard they did not.
- Q They were not allowed? A They were not.
- Q Have you any proof of that? A I have not.
- Q Did either of them live on land in the old Choctaw Nation for five years and then get a patent from the government for same? A I don't know.
- Q Did either go from the old Choctaw Nation east of the Mississippi River to the Choctaw Nation Indian Territory with the other Indians between the years 1833 and 1842? A I don't know.
- Q Did any of your Choctaw ancestors go from that old nation to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A I don't know.
- Q Did any of your Choctaw ancestors go before a Commission in 1837 or 1842 and claim any benefits under article fourteen of the treaty of 1830? A I don't know.

These Commissions were appointed because a good many Choctaw Indians were refused the right to register under Colonel Ward, and as a result of his act, their lands were taken from them in the old Choctaw Nation, and to remedy this wrong done by Colonel Ward these commissions were appointed.

- Q Do you know whether any of your Choctaw ancestors ever received any scrip which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A I do not know.

This scrip was issued under the act of Congress approved August 23, 1842.

- Q Do you understand or speak the Choctaw language? A No, sir.
- Q Is there anything further you want to say in support of your application? A No, sir.

Thirty days time will be allowed this applicant in which to introduce further proof in this case.



7192-4

By attorney:

- Q Are you related to C. C. Hanks? A I hear that I am.  
Q Is it your understanding from what you have heard that he is an applicant for identification as a Mississippi Choctaw claiming through John Harper? A Yes, sir.  
Q And this John Harper is the same John Harper through whom you claim? A Yes, sir, I understand so.

We would like to refer to No. 6508 C. C. Hanks for the purpose of consolidation.

- Q Is it your understanding that John Harper and his wife Mary Ann applied for registration, or did John Harper apply alone for registration? A My understanding is that John Harper - we really I don't know about that, but I have heard they appeared for registration and I would suppose it was for him and his wife.

By Commission:

This applicant has the appearance of being descended from white parentage, brown hair, light brown mustache, blue eyes; he has no knowledge of the Choctaw language and no knowledge of any compliance on the part of any of his ancestors with any of the provisions of the treaty of 1830.

---0---

Chas. Diffendaffer, being first duly sworn states that as stenographer to the commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause taken at Muskogee, Indian Territory, March 21, 1903, and that the foregoing is a full, true, and correct transcript of his stenographic notes taken in said cause on said date.

*Chas. Diffendaffer*

Subscribed and sworn to before me this 30th day of April, 1902.

*Charles H. Sawyer*

Notary Public.

M.C.R. 7192.

Muskogee, Indian Territory, November 6, 1903.

Lucian L. Cheatham,

Hillsboro, Texas,

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of yourself and minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Commissioner in Charge.

M.C.R. 7192.

Muskogee, Indian Territory, November 6, 1905.

Thomas & Harrison,

Attorneys at Law,

Muskogee, Indian Territory,

Gentlemen:

You are hereby advised that the Commission has this day notified Lucian L. Cheatham that he will be allowed thirty days from this date in which to submit further evidence in support of the application of himself and minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Commissioner in Charge.

MCR.7192

Muskogee, Indian Territory, March 19, 1904.

Lucian L. Cheatham,

Hillsboro, Texas.

Dear Sir:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers et al., of which the application made by you for the identification as Mississippi Choctaws of yourself and your two minor children Charlie L. and Gladys Cheatham, was made a part, refusing said application.

You are further advised that a copy of such decision has been furnished your attorneys of record, Messrs. Thomas & Harrison, Muskogee, Indian Territory; that the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted, together with such argument and brief as may be submitted by your attorneys of record, to the Secretary of the Interior for his consideration.

Respectfully,

Commissioner in Charge.

Registered.

M.C.R. 7192.

Muskogee, Indian Territory, June 26, 1905.

Lucian L. Cheatham,  
Hillsboro, Texas.

Dear Sir:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 19th day of March, 1904.

Respectfully,

Chairman.

7192

No. 7192

## FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 21 1903

Name Lucian L. Cheatham

Age 39 - Blood 1/8

Post Office, Williboro. Tex.

Father: Gumberry Cheatham, S.

Mother: Melvina " S.

Claims through father. 1/4

Wife,

Sallie A. Cheatham, W

No claim for wife

Children:

Charlie L. Cheatham 7

Gladys " 5

Claims for self  
and 2 minor

Stenographer

Cheatham

CHOCTAW  
Lucian L. Cheatham

DECISION RENDERED.

MAR 4 1904

COPY OF DECISION FORWARDED  
ATTORNEYS FOR CHOCTAW AND  
CHICKASAW NATIONS.

MAR 4 1904

NOTICE OF DECISION MAILED APPLICANT: MAR 19 1904

COPY OF DECISION FORWARDED  
ATTORNEY FOR APPLICANT.

MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904.

ACTION APPROVED BY  
SECRETARY OF INTERIOR.

MAR 30 1905

NOTICE OF DEPARTMENTAL  
ACTION MAILED APPLICANT.

JUN 26 1905

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT.

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

REFER TO M. C. R.

5670 •

Choctaw MCR 7193

Jonas G. Emmons

MCR 7193



DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application of Jonas G. Emmons, et al.,  
for identification as Mississippi Choctaws, M.C.R. 7193.

List of papers forwarded to the Secretary of the Interior  
comprising the record in the above case.

	(Page)
Original application of Jonas G. Emmons, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Statement of J. H. Lee-----	5
Affidavit of S. E. Lee-----	6
Affidavit of Lucy Hatley-----	8
Certificate of J. H. Lee-----	9
Affidavit of Jane Thompson-----	10
Certificate of Samuel Hart-----	11
Decision of the Commission refusing the ap- plication of Jonas G. Emmons, et al., for identification as Mississippi Choctaws-----	12.

-oOo-

Department of the Interior  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. March 21, 1902.

---o---

In the matter of the application of Jonas G. Emmons for the identification of himself and his four minor children, Josephine, Warren E., Paul Adams and Bessie May Emmons, as Mississippi Choctaws.

Jonas G. Emmons being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A Jonas G. Emmons.  
Q What is your post office address? A Rush Springs, Indian Territory.  
Q How old are you? A Fifty-two.  
Q How long have you lived at Rush Springs? A I came there in November last.  
Q How long have you lived in the Indian Territory? A I just came there last November.  
Q Where did you come from? A Mississippi.  
Q Did you always live in Mississippi up to that time? A Yes, sir.  
Q Where? A Carroll county.  
Q Is your father living? A No, sir.  
Q Is your mother living? A No, sir.  
Q What was your father's name? A Green Emmons.  
Q What was your mother's name? A Margaret Lasley.  
Q Do you claim through your father or mother? A Mother.  
Q How much Choctaw blood do you claim? A I claim one-eighth.  
Q Has your mother ever been recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No, sir.  
Q Is your wife living? A Yes, sir.  
Q Is she a white woman? A Yes, sir.  
Q What is her name? A Malinda.  
Q Do you claim for her? A No, sir.  
Q How many children have you under age and unmarried? A Four.  
Q What is the name of the oldest? A Josephine.  
Q How old? A Seventeen.  
Q The next? A Warren E.  
Q How old? A Fifteen.  
Q The next? A Paul Adams.  
Q How old? A Thirteen.  
Q The next? A Bessie May.  
Q How old? A Ten.  
Q The next? A That is four, all I have got.  
Q Is your wife Malinda the mother of these children? A Yes, sir.  
Q Are you the father? A Yes, sir.  
Q Are they all living with you at your home? A Yes, sir.  
Q Have you the proof of your marriage to your wife with you now? A I have the license as to proof.

Affidavit of S. E. Lee sworn to before J. H. Lee a notary public is received, filed, marked exhibit "A" and made a part of the record in this case.

Affidavit of Lucy Hatly presented by applicant, received marked exhibit "B" and made a part of the record in this case.

Statement by J. H. Lee a justice of the peace, state of Mississippi for Carroll county, presented by applicant, received marked exhibit "C" and made a part of the record in this case.

Affidavit of Jane Thompson offered by this applicant, received, marked exhibit "D" and made a part of the record in this case.

- Q Is your name or the names of your children on any tribal roll of the Choctaw Nation in Indian Territory? A Not that I know of.
- Q You never have lived in the Indian Territory? A No, sir.
- Q Have you ever made application for citizenship for yourself and children to any authority whatever in the Choctaw tribe or any other? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Dawes Commission under the act of June 10, 1896? A No, sir.
- Q Is this the first application that you ever made for citizenship in the Choctaw Nation? A Yes, sir.
- Q You came from Mississippi to Indian Territory at what date? A Came into Indian Territory last day of November in 1902.
- Q and have lived where since? A Four and one-half miles from Rush Springs.
- Q What are you doing there? A Making a crop for this year.
- Q Have you leased the farm there? A No, sir, I am living with a man that I was acquainted with in Mississippi.
- Q Do you claim the right to be identified with your children under article fourteen of the treaty of 1830? A Yes, sir.

That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply with that article do you know? A No, sir they did not.

- Q What is the name of your ancestor that you claim through now? A Andrew Lasley.
- Q What relation to you? A He was my grandfather.
- Q Was he your mother's father? A Yes, sir.
- Q How much Choctaw blood did he have? A He claims to be one-half.
- Q How old would he be if living now? A Well sir I can't tell you.
- Q Did he live in Mississippi? A Yes, sir.
- Q Did he live there in 1830 and have a family there then? A I think so I recollect that he died somewhere about that time.
- Q 1830? A Yes, sir, I think so.
- Q How old would your mother be if living now? A Well I don't know couldn't say exactly.
- Q Give some idea? A She would be some where about seventy-two I guess.
- Q Was she born in Mississippi? A Yes, sir.
- Q Did your grandfather Andrew Lasley live on land in the old Choctaw Nation for five years and then get a patent from the government? A Not that I have any knowledge of.
- Q Did he own or claim any land in the old Choctaw Nation under article fourteen of the treaty of 1830? A No, sir I have no knowledge.
- Q Did he or any Choctaw ancestor of yours go to Colonel Ward within six months after the treaty was ratified and register or attempt to register under article fourteen? A No, sir.
- Q Did he or any Choctaw ancestor of yours go from that old Choctaw Nation east of the Mississippi River to the Choctaw Nation Indian Territory with the other Indians between the years 1833 and 1838? A No, sir.
- Q Or at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A Not that I have any knowledge of.
- Q Did he own any improvement on land in the old Choctaw Nation in 1830? A No, sir.
- Q Did he go before the commission in 1837 or a commission in 1842 which commissions were appointed under the act of Congress of March 3, 1837 and August 23, 1842, and claim any benefit under article fourteen of the treaty of 1830? A Not that I have any knowledge of.

These commissions were appointed for the purpose of hearing Choctaw Indians who claimed that they had registered or had attempted to register under article fourteen of the treaty of 1830 but were prevented from doing so by Colonel Ward, the United States Indian agent and because they were not allowed to register by him, their lands had been taken from them in the old Choctaw Nation and sold, therefore these commissions were appointed to hear their claims and decide their right under article fourteen.

- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A No, sir.

This scrip was issued under the act of Congress approved August 23, 1842.

- Q Do you understand the Choctaw language? A No, sir I do not.
- Q Have you any other evidence that you want to present to the Commission? A No, sir.

7193-4

Q Have any relatives of yours been before the Commission to be identified up to the present time? A No, sir, if they have I have no knowledge of it.

Thirty days time will be allowed this applicant in which to introduce other proof in this case if he desires to do so.

This applicant has the appearance and physical characteristics of being descended from white parentage except his skin is dark, hair black somewhat gray, eyes brown; he has no knowledge of the Choctaw language and no knowledge of a compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

---0---

Chas. Diffendaffer, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause taken at Muskogee, Indian Territory, March 21, 1903, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

*Chas. Diffendaffer*

Subscribed and sworn to before me this 30th day of April 1903.

*Charles J. Langston*

Notary Public.

*JS*

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-000-

In the matter of the application of Jonas G. Emmons, et al.,  
for identification as Mississippi Choctaws, M.C.R. 7193.

---: D E C I S I O N :---

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Jonas G. Emmons for himself and his four minor children, Josephine, Warren E., Paul Adams and Bessie May Emmons, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants

of Andrew (or Andy) Lasley, who is alleged to have been an one-half blood Choctaw Indian, and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Andrew (or Andy) Lasley, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jonas G. Emmons, Josephine Emmons, Warren E. Emmons, Paul Adams Emmons



and Bessie May Humens, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED:

Tams Bixby.

Chairman.

SIGNED:

T. B. Needles.

Commissioner.

SIGNED:

C. R. Breckinridge.

Commissioner.

SIGNED:

W. E. Stanley.

Commissioner.

Muskogee, Indian Territory,

MAR 15 1904



M C R 7193

Muskogee, Indian Territory, July 2, 1903.

J. G. Emmons,

Rush Springs, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 10th, 1903, in which you ask what disposition has been made of your case.

In reply you are informed that it appears from our records that you made application to this Commission for the identification of yourself and minor children as Mississippi Choctaws. The Commission has not up to the present time reached any opinion or decision relative to your right to such identification. As soon as a decision is rendered you will be duly notified of the action of the Commission.

Respectfully,

Chairman.

M.C.R.7193

Muskogee, Indian Territory, October 3, 1903.

J. G. Ramons,

Stuart, Indian Territory.

Dear Sir:

Yours of October 1, 1903, making inquiry as to the disposition of your case received. In reply, you are informed that at the present time the Commission has not reached a decision therein. As soon as a decision is rendered you will be duly notified of the same and of the forwarding to the Secretary of the Interior of the record in the case.

Respectfully,

Chairman.

M C R 7193

Muskogee, Indian Territory, March 21, 1904.

Jonas G. Emmons,

Stuart, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 9th instant, asking to be advised the status of your case.

In reply you are advised that no opinion or decision has yet been reached relative to the rights of yourself and children to be identified as Mississippi Choctaws, but when a decision is rendered you will be duly notified of the action of the Commission.

Respectfully,

Commissioner in Charge.

M.C.R. 7193.  
COPY.

Muskogee, Indian Territory, April 6, 1904.

Jonas G. Emmons,

Stuart, Indian Territory,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 15, 1904, rendered its decision refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Jonas G. Emmons et al., including you and your children Josephine Emmons, Warren E. Emmons, Paul Adams Emmons and Bessie May Emmons.

You are further notified that you will be allowed fifteen days from the date of this notice in which to file arguments in this office, and that at the expiration of that time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*T. B. Needles.*

Commissioner in Charge.

Registered.

M.C.R. 7193.

COPY.

Muskogee, Indian Territory, April 6, 1904.

Mansfield, McMurray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission, rendered March 15, 1904, refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Jonas G. ~~Rumens~~ et al.

You are further advised that the applicants in this case have been allowed fifteen days from the date of this notice in which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*T. B. Needles,*  
Commissioner in Charge.

Inc. MCR 7193.

COPY.

Muskogee, Indian Territory, April 22, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

There is transmitted herewith the record in the case of Jonas G. Emmons et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of March 15, 1904.

The Commission has the honor to report that the principal applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED)

*Tams Bixby.*

Chairman.

Through the  
Commissioner of Indian Affairs.

2 Enc. MCR 7193.

Land.  
88269-1904.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON, June 6, 1904.

(COPY)

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to invite your attention to record of the Commission to the Five Civilized Tribes, in the matter of the application of Jonas G. Emmons for the identification of himself and his four minor children Josephine, Warren E., Paul Adams, and Bessie May Emmons, as Mississippi Choctaws, wherein a decision adverse to them was rendered by the Commission on March 15, 1904.

The brief in this case shows that the applicants base their claims to a right of identification as Mississippi Choctaws on their descent from Andrews Leakey, who is claimed to have been a Choctaw Indian and a resident of the Choctaw country in Mississippi in 1830. It is claimed he was the head of a family at that time, but as to whether he was a beneficiary under the Fourteenth Article of the Choctaw Treaty the witnesses are unable to state.

The Commission rejected the applications for the reason that its records failed to show that Andrew Leakey was a beneficiary under the Fourteenth Article of the Choctaw Treaty of 1830, or the subsequent legislation relative thereto.

An examination of the records of this office has been made with reference to the name of Andrew Leakey and it is evident that his name does not appear among the names of those Choctaw Indians who were benefi-

claried under the Fourteenth Article of the Choctaw Treaty or the subsequent legislation relative thereto. I therefore recommend that the decision of the Commission rejecting these applicants be approved.

Very respectfully,

A. G. Tennar,

E.B.H.-L.C.

Acting Commissioner.



DC-21481-1904.

J.W.H. FHE (COPY)

ITD.4640-1904.  
L.R.S.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON, June 21, 1904.

Commission to the Five Civilized Tribes.

Muskogee, Indian Territory.

Gentlemen:

April 22, 1904, you transmitted the record in the matter of the application of Jonas G. Emmons et al (M.C.R. 7193), for identification as Mississippi Choctaws, including your decision of March 15, 1904, refusing to identify them as such.

Reporting in the matter June 6, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

E. A. Hitchcock,

Secretary.

1 inclosure.

COPY!

Muskogee, Indian Territory, June 30, 1904.

Jonas G. Emmons,

Stuart, Indian Territory,

Dear Sir:

You are hereby notified that on the 21st day of June, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Jonas G. Emmons et al., of which decision you were advised by registered mail on the 6th day of April, 1904.

Respectfully,

(SIGNED)

*T. B. Needles.*

Commissioner in Charge.

M.C.R. 7192

COPY:

Muskogee, Indian Territory, June 30, 1904.

Manefield, McKurray & Cornish,

Attorneys for Cheetaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 21st day of June, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Cheetaws of the several persons included in the case of Jonas G. Emmons et al., of which decision you were advised by mail on the 5th day of April, 1904.

Respectfully,

SIGNED

*I. B. Needles.*

Commissioner in Charge.

M C R 7193

Muskegee, Indian Territory, July 8, 1904.

Jonas G. Emmons,

Stuart, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 2nd instant, wherein you state that inasmuch as the Commission has refused your application for identification as a Mississippi Choctaw, you desire the return of all papers filed in support of your claim.

In reply you are informed that the record in your case is in the hands of the Secretary of the Interior at Washington, D. C., and you should correspond with him in regard to this matter.

Respectfully,

Commissioner in Charge.

7193

No.

7193

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 21 1903

Name

Jonas G. Emmons.

Age

52

Blood

1/8

Post Office,

Rush Springs, I. T.

Father:

Gus Emmons d

Mother:

Margaret " d

Claims through

mother 1/4

Wife.

Malinda " l.w.

No claim for wife,

Children:

Josephine Emmons, 17

Warren E. " 15

Paula " 13

Bessie M. " 10

Claims for self  
and 4 minors

Stenographer

Chas. H. H. H. H. H.

Thomas A. Simmons, Jr.

**REFUSED.**

DECISION RENDERED MAR 27 1904

**NOTICE OF DECISION FORWARDED**

COPY OF DECISION FORWARDED  
ATTORNEYS FOR CHOCTAW AND  
CHICKASAW NATIONS

RECORDS DIVISION DEPARTMENT.

MAR 27 1904

**ACTION APPROVED BY  
SECRETARY OF INTERIOR.**

**NOTICE OF DEPARTMENTAL  
ACTION MAILED APPLICANT**

**NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.**

MAR 27 1904

**REFUSED.**

4/3/3. P.O. [illegible]

Choctaw MQR 7194

Mollie Alexander

MQR 7194

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---o---

In the matter of the application of Mollie Alexander, et al.,  
for identification as Mississippi Choctaws, consolidating the ap-  
plications of:

Mollie Alexander, et al.,    M.C.R. 7194  
Minnie C. Kennedy, et al.,   M.C.R. 6796  
Joseph Hicks, et al.,       M.C.R. 7150

List of papers forwarded to the Secretary of the Interior  
comprising the record in the above consolidated  
case.

	(Page)
Original application of Mollie Alexander, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Original application of Minnie C. Kennedy, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	8
Additional testimony of Minnie C. Kennedy-----	13
Original application of Joseph Hicks, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	16
Affidavit of Mollie Alexander-----	22
Certified copy of patent issued to Jack Jenkins-----	23
Decision of the Commission refusing the ap- plications in the consolidated case of Mollie Alexander, et al., for identification as Mis- sissippi Choctaws-----	25

---o---



Department of the Interior  
Commission to the Five Civilized Tribes  
Muskogee, I.T. March 21, 1903.

---0---

In the matter of the application of Mollie Alexander for the identification of herself and her two minor grandchildren, Alma and Betsey Jones, as Mississippi Choctaws.

A. S. McRea attorney.

Mollie Alexander being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A Mollie Alexander.  
 Q What is your age? A Seventy.  
 Q What is your post office address? A Greenville.  
 Q The state? A Mississippi.  
 Q How long have you lived there? A Three months.  
 Q Where did you live before that? A Two years at Arcole.  
 Q Have you always lived in Mississippi? A Yes, sir.  
 Q Is your father living? A No, sir.  
 Q Is your mother living? A No, sir.  
 Q What is your father's name? A Jack Jenkins.  
 Q What is your mother's name? A Rose.  
 Q Through which parent do you claim your Choctaw blood? A Through my father.  
 Q How much do you claim? A Claim he was full blood.  
 Q How much do you claim? A Father was full blood and mother was one-quarter.  
 Q Did your mother have one-quarter Choctaw blood? A Yes, sir.  
 Q You claim three-quarters do you? A Yes, sir.  
 Q Has your father ever been recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No, sir.  
 Q Are you married? A Yes, sir.  
 Q Is your husband living? A Yes, sir.  
 Q What is his race? A He is negro mixed with white.  
 Q What is his name? A George Alexander.  
 Q Do you make any claim for your husband? A No, sir.  
 Q Were your parents either of them slaves at any time? A My grandmother was a slave.  
 Q On your mother's side or father's? A Mother's side.  
 Q Was your mother? A Yes, sir.  
 Q Were you? A I wasn't a slave until my mother died and father went crazy then I was taken by white people.  
 Q Then you were a slave were you? A Yes, sir.  
 Q Was Jack Jenkins a slave? A No, sir he was an Indian.  
 Q Have you any children under twenty-one years of age and unmarried that you want to make application for? A No, sir.  
 Q You claim for yourself alone? A Myself and two grandchildren.  
 Q You have two grandchildren living with you? A Yes, sir.

- Q Is their father and mother dead? A Yes, sir.  
 Q What is the name of the first? A Alma Jones.  
 Q How old is Alma? A Nine years old.  
 Q The next? A Betsey.  
 Q How old? A Seven years old.  
 Q These are your two grandchildren are they? A Yes, sir.  
 Q And are living with you? A Yes, sir.  
 Q What is their father's name? A Vince Jones.  
 Q Is he living? A No, sir.  
 Q What is their mother's name? A Laura Jones.  
 Q Is she living? A Dead.  
 Q These grandchildren are living with you? A Yes, sir.  
 Q How long have you had charge of them? A Going on five years.  
 Q These children claim through which parent father or mother? A Father.
- 
- Q How much Choctaw blood did the father have? A Just by me, his father was a colored man.  
 Q Was Vince Jones your son? A Yes, sir.  
 Q Was Laura a negro woman? A Yes, sir.  
 Q Did Vince Jones get all his Choctaw blood from you? A Yes, sir.  
 Q And you claim three-fourths? A Yes, sir.  
 Q Then he would be three-eighths would he not? A Yes, sir.  
 Q Do you claim three-eighths for him? A Yes, sir.  
 Q These children would be three-sixteenths as wouldn't they; they would be one-half what their father was. Do you claim that? A Yes, sir.  
 Q Do you know whether Vince Jones's name has ever been on any of the Choctaw tribal rolls in the Choctaw Nation or whether he has been recognized by any authority whatever in the Choctaw Nation? A No, sir.  
 Q Where did he die in Mississippi? A Yes, sir.  
 Q Was he a slave? A No, sir, four years old when freed.  
 Q Freed by the act of Emancipation? A Yes, sir.  
 Q Do you know when and where your father and mother were married? A No, sir.  
 Q Have you the proof of their marriage with you? A No, sir.  
 Q You don't know anything about their marriage? A No, sir.  
 Q Do you know anything about the marriage of your son Vince Jones to his wife Laura? A Yes, sir.  
 Q When were they married? A They were married in Mississippi.  
 Q Do you know the day of the month and year? A No, sir.  
 Q Married by a minister under a license? A Married by minister under a license.  
 Q Have you the proof of their marriage with you? A No, sir.  
 Q Is your name together with the names of these grand-children on any tribal roll of the Choctaw Nation in Indian Territory? A No, sir.  
 Q Have you ever made application for citizenship in the Choctaw Nation for yourself and grandchildren wither to the Choctaw tribal authorities in Indian Territory or to the Dawes Commission under the act of Congress of June 10, 1896? A No, sir.  
 Q Is your name with the names of either of these grandchildren on any tribal roll in the Choctaw Nation Indian Territory? A No, sir.

- Q Your mother's name was Rose? A Yes, sir.
- Q Do you know what her maiden name was? A No, sir, grandfather just called Bob Indian. I don't know.
- Q Did you say Rose's father's name was Bob? A Yes, sir.
- Q Was Bob, her father, a slave? A No, sir.
- Q How did Rose become a slave? A By her mother's side.
- Q Then Bob married a slave or lived with one in Mississippi? A Yes, sir.
- Q And Rose was born then in slavery? A Yes, sir.
- Q How do you know that Jack Jenkins was a full blood Choctaw and his wife Rose one-half? A That is what they told me and what I have heard in the family all the time.
- Q Do you know whether any of your Choctaw ancestors lived in Mississippi or Alabama in 1830 and had a family there then? A No, sir.
- Q Did Jack Jenkins live in Mississippi in 1830? A He lived in Mississippi all I know about him.
- Q You were born seventy years ago, did you have any older brother or sister? A Yes, sir.
- Q How much older? A I don't know how much older three or four years.
- Q Where was your mother Rose born? A In Hines county in Mississippi.
- Q Did she live and die in Mississippi? A Yes, sir.
- Q Do you know whether any of your ancestors Jack Jenkins, or your mother Rose, lived on land in Mississippi for five years after the treaty of 1830 was ratified and then got a patent for that land from the government? A I don't know.
- Q Did your ancestor Bob or any of your ancestors ever own any land in Mississippi that they got from the government? A I don't know.
- Q Do you know whether they did or not? A No, sir.
- Q Did any of your Choctaw ancestors your father or mother or your grandfather Bob go to Colonel Ward, the United States Indian Agent, within six months after the treaty of 1830 was ratified and register or attempt to register under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors go from the old Choctaw Nation east of Mississippi River to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A No, sir I don't know.
- Q Did any of your Choctaw ancestors own any land in that old Choctaw Nation either in Mississippi or Alabama, which land they had received from the government, or land which they had purchased or received from any source whatever? A No, sir.
- Q Did any of them own any improvement in the old Choctaw Nation in 1830? A No, sir my father owned a place some where there, I don't know that just heard of it, that is where he lived.
- Q Why don't you know whether your father owned any place or not? A I was too little - taken away and raised by white people.
- Q Did you ever hear of a man named Colonel Ward? A No, sir I don't know as I did, I don't remember.
- Q Did you ever hear of the treaty of 1830? A If I did I forgot it.

- Q This is your first application for yourself and them, is it, for citizenship in the Choctaw Nation? A Yes, sir.
- Q You now come before the Commission to be identified with your two grandchildren as Mississippi Choctaws? A Yes, sir.
- Q Do you claim under article fourteen of the treaty of 1830? A I don't understand.

The treaty of 1830 was made by the United States government and the Choctaw tribe of Indians at a place in Mississippi called Dancing Rabbit Creek on 27th day of September 1830. The object of this treaty that was made between the United States government and the Choctaw tribe of Indians way back there in 1830 was to get the consent of the Choctaw Indians to remove from the old Choctaw Nation east of the Mississippi River to the Choctaw Nation Indian Territory. Before this treaty was signed on the 27th of September 1830 it became known that a great many Choctaw Indians would not go to the Choctaw Nation Indian Territory with the other Indians under the treaty and therefore to protect the interest of those Indians who stayed back in the old Choctaw Nation article fourteen was drafted and put into the treaty, then the treaty was signed and on the 24th day of February 1831, was ratified.

Article fourteen is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q That is article fourteen under which you are making your claim. Do you know if any of your Choctaw ancestors complied or attempted to comply with article fourteen of that treaty? A No, sir.
- Q What is the name of your ancestor through whom you make your claim today? Now my ancestor I mean your relative from whom you derive your Choctaw blood, from whom you are descended in a direct line, your father or mother? A My own father.
- Q But how about Jack Jenkins? A From his mother and father.
- Q Do you know anything about his father or mother? A No, sir.
- Q How much Choctaw blood did he have? A Full blood.
- Q Do you claim through your mother also? A Yes, sir they say my mother was one-half Indian and one-half negro, grandfather was a full blood Indian.

- Q Do you know anything about the article called article fourteen of that treaty? A No, sir.
- Q Did you ever hear of Ward's register list? A No, sir.
- Q Did you ever hear that any of your Choctaw ancestors went before a commission in 1837 or a commission in 1842 and claim any benefit under article fourteen of that treaty? A No, sir.

These two commissions were appointed under various acts of Congress one approved March 3, 1837 and the other approved August 23, 1842 in order that Choctaw Indians might be heard who claimed that they had registered or attempted to register under article fourteen of the treaty of 1830 but because Colonel Ward, the United States Indian agent, would not allow them to do so their lands had been taken from them in the old Choctaw Nation and sold by the government at its public land sales.

- Q Did any of your ancestors receive any scrip from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A No, sir not as I know of.

This scrip was issued under an act of Congress approved August 23, 1842.

- Q Do you speak or understand the Choctaw language? A Little not very much.
- Q But do you talk so that you can carry on a conversation with a Choctaw Indian? A No, sir, not now use to could.
- Q Where have you lived all your life? A Lived part of the time in Hines county and part of the time in Madison, been in Mississippi all my life, been around just as white people carried me when I was a child.
- Q You certainly show Choctaw blood, how was it you became a slave through your mother's side? A Through my mother.

This applicant will be allowed thirty days time from this date in which to introduce further proof in this case.

By attorney:

- Q Did your father Jack Jenkins live with your mother Rose and hold her out to the public as his wife? A Yes, sir, until she died.
- Q Did he have any other wife to your knowledge other than your mother Rose? A No, sir.
- Q Was your mother Rose a slave at the time you were born or had her freedom been purchased by your father at the time? A Slave at the time before I got any size my father bought her, then she was freed.
- Q How many children were there of your father and mother besides yourself? A Two.
- Q Do you know where your father Jack Jenkins lived at in Madison county Mississippi? A He lived near Madisonville, I think.
- Q At Madison county Mississippi? A Yes, sir you know there is a tribe of Indians there.
- Q How did he own this land that he lived on? A I couldn't tell you.
- Q Did you ever hear? A I have heard it.

- Q Who told you he owned it? A Just our parents.
- Q Did you ever hear how he got it? A No, sir.
- Q Now Mrs. Alexander the name of Jack Jenkins appears upon page 18 of volume I, United States vs. Choctaw Nation, which shows that he was a beneficiary under the provisions of article fourteen of the treaty of 1830 and that his name is on a list made by Colonel Ward, the Indian agent. Is that the same Jack Jenkins that you claim is your father? A I reckon so.
- Q You think it is? A Yes, sir I reckon so, he was a Mississippi Indian and I know when my mother died-
- Q I asked you if your thought that was your father? A Yes, sir.
- Q The record further shows that Colonel Ward registreed with him three children under ten years of age. Do you think you are one of these children? A Yes, sir, didn't have but three.
- Q The record further shows that he received for himself and his three minor children one and three-fourths section of land. Do you think your father owned that much, if you have ever heard? A No, sir.
- Q Never heard about him and receiving that much land? A No, sir.
- Q You don't know anything about your grandfather Bob do you? A No, sir, seen him when I was a little child.
- Q He was the father of your mother Rose? A Yes, sir.
- Q How much Indian blood did he have? A Bull blood Indian man.
- Q Well did he live with your grandmother as husband and wife? A Yes, sir.
- Q Where did your mother Rose die at? A She died in Mississippi where we were living, she died in Mississippi.
- Q Have you any recollection of her? A Yes, sir little, you know I was very young when she died.
- Q Did she speak the Choctaw language? A Didn't talk plain.
- Q What was the names of your other brother and sister? A Fannie and Olive.
- Q Which was the older of the three children? A Fannie.
- Q You are the next? A Yes, sir.
- Q And Olive the last? A Yes, sir.
- Q Are they alive now? A No, sir dead.
- Q Are there any persons now living, that you know of, that knew your father Jack Jenkins and your mother Rose, upon whom you could now call upon to testify in your favor? A No, sir.
- Q Then your knowledge of what you know about your father and mother is what you glean from family history and tradition, is that correct? A Yes, sir.

By Commission:

- Q How much older was Fannie your sister than yourself? A I don't know.
- Q About? A Little bit thing.
- Q Close together? A Yes, sir.
- Q You were born three years after the treaty was made were you not it was made in 1830? A Yes, sir I guess so.
- Q Now if you and your sister Fannie and your brother Olive were the children of the family of Jack Jenkins, whose name appears on Ward's registry list, don't you think you would know about it or have heard about it? A No, sir I didn't take any interest in it.



7194-7

- Q You never heard heard anything about Ward's list did you? A No, sir.
- Q Did you ever hear your father's name was on it? A No, sir.
- Q Do you know it was on it now? A No, sir.
- Q There is a Jack Jenkins, whose name is on that list, as your attorney has stated, but you don't know that that was your father do you? A No, sir.
- Q What I want to get at and I want you to help as much as you can - can you in any way or by any testimony that you can present here prove that the Jack Jenkins whose name is on Ward's registry list, where he is listed with three children was your father? A No, sir I can't prove it.

You will be app allowed thirty days time f rom this date in order to introduce anything to prove that point if you can do so.

This applicant appears to be about an one-half blood Choctaw Indian or more than that, she shows her Indian degree without question, her hair which is now very nearly gray shows black and long and is not the hair of a negro but it is not as straight and course as the hair of a Choctaw Indian; her features are the features more of an Indian than of a negro woman although she shows her negro blood some; she was a slave and her mother was also a slave, she says her father was not; she understands a few words of the Choctaw language. The name of Jack Jenkins appears upon Ward's registry list but she is unable to swear that it is her father.

---o---

Chas. Diffendaffer, being first duly sworn states that as stenographer to the commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause taken at Muskogee, Indian Territory March 21, 1903, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

*Chas. Diffendaffer*

Subscribed and sworn to before me this 2<sup>nd</sup> day of May 1903.

*Charles B Sawyer*

Notary Public.

COPY:

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---0---

In the matter of the application of Mollie Alexander, et al.,  
for identification as Mississippi Choctaws, consolidating the ap-  
plications of:

Mollie Alexander, et al.,	M.C.R. 7194
Minnie C. Kennedy, et al.,	M.C.R. 6796
Joseph Hicks, et al.,	M.C.R. 7150

---: D E C I S I O N :---

It appears from the records herein that applications for  
identification as Mississippi Choctaws were made to this Commission  
by Mollie Alexander for herself and her two minor grandchildren,  
Alma and Betsey Jones; by Minnie C. Kennedy for herself and her  
eight minor children, Pearl W., Pennie M., Wilson T., Winzer D.,  
Warner G., Whitt, Portieor and Perchie L. Kennedy; and by Joseph  
Hicks for himself and his four minor children, Joseph Jr., Mary,  
Peggy Angy and Willie Hicks, under the following provision of the  
act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the  
identity of Choctaw Indians claiming rights in the Choctaw  
lands under article fourteen of the treaty between the United  
States and the Choctaw Nation, concluded September twenty-  
seventh, eighteen hundred and thirty, and to that end may ad-  
minister oaths, examine witnesses, and perform all other acts  
necessary thereto and make report to the Secretary of the In-  
terior."



It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Jack Jenkins and Bob Indian, who are alleged to have been full-blood Choctaw Indians, and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said applications, and from the records of the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

From the evidence submitted in support of said applications, it appears that the principal applicant is seventy years of age, being born in Mississippi in 1833 and is the daughter of Jack Jenkins, who is alleged to have been a full-blood Choctaw Indian, and Rose Jenkins, who is alleged to have been either an one-quarter or an one-half blood Choctaw Indian, and that the father of Rose Jenkins was a full-blood Choctaw Indian who bore the name of Bob Indian; that the principal applicant herein and her mother, Rose Jenkins, were slaves, and that Jack Jenkins resided and owned improvements in eighteen hundred and thirty, near Madisonville, Madison County, Mississippi, and had, at that time, three children under ten years of age whose names are given according to their ages, as Fannie, Mollie (the principal applicant) and Olive. The principal applicant has filed for record in this case, the certified copy of a patent issued under article fourteen of the treaty of "Dancing Rabbit Creek," to one Jack Jenkins, whom she claims was her father.

It is found that the name Jack Jenkins appears on page 18, Volume I, Claimant's Brief and Evidence in the case of the Choctaw Nation vs. the United States, before the Court of Claims No. 12742, in a "register of Choctaw names as entered by the Agent previous to the 24th of August, 1831, who wish to become citizens according to a provision of the treaty of eighteen hundred and thirty," as an Indian having three children under ten years of age at the date of the treaty. As the evidence shows that the principal applicant is only seventy years of age and was born in 1833, and that she has a younger brother who was born subsequent thereto, it would be impossible for the principal applicant and her minor brother to have been registered as children under ten years of age at the date of the treaty. It is therefore reasonable to conclude that Jack Jenkins, through whom these applicants claim, is not the identical Jack Jenkins whose name appears in the record above cited, and to whom a patent was issued under article fourteen of the treaty of eighteen hundred and thirty.

It is further found that the name Jack Jenkins appears on pages 66 and 126 of Volume VII, American State Papers, Public Lands, in a list of names of Choctaw Indians, heads of families, who resided in Mushulatubbee's district in the territory occupied by the Choctaw Indians in the states of Mississippi and Alabama, at the date of the making of the treaty of "Dancing Rabbit Creek," and had lands in cultivation, in exchange for which they were to receive stipulated tracts of land in accordance with the provisions of the nineteenth article of said treaty. The record above referred to in no way relates to article fourteen of the treaty of eighteen hundred and thirty, or shows a compliance or attempted compliance on the part of the persons therein named with its provisions.

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possess-

ion of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Jack Jenkins, through whom these applicants claim, or Bob Indian, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mollie Alexander, Alma Jones, Betsey Jones, Minnie C. Kennedy, Pearl W. Kennedy, Pennie M. Kennedy, Wilson T. Kennedy, Winzer D. Kennedy, Warner G. Kennedy, Whitt Kennedy, Portisor Kennedy, Perchie L. Kennedy, Joseph Hicks, Joseph Hicks, Jr., Mary Hicks, Peggy Angy Hicks and Willie Hicks, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Jane Bixby.  
Chairman.

(SIGNED)

T. B. Needles.  
Commissioner.

(SIGNED)

C. R. Breckinridge.  
Commissioner.

Muskogee, Indian Territory,  
MAR 15 1904

(SIGNED)

W. E. Stanley.  
Commissioner.

BROWN AND KINCANNON'S NOTES OF PROCEEDINGS IN CERTIFYING  
CHOCTAW CLAIMS IN MISSISSIPPI.

No.95.

-----

No.203. JACK JENKINS, Sec.19, T 17, R 15 E.

For children N/2 & SW/4 "20, "17,"15 E.

The N/2 & SW/4 of Sec.20 "17, " 15 E., claimed by John G. Skinner & the N/2 of Sec. 19 above is claimed by the Heirs of Grabel Lincecum and the south half of 19 is claimed by Wm. Shaw. The reservee present admits the sale of the different portions<sup>7</sup> as above, and desires that patents may issue to the respective purchasers for the portions purchased by each, respectively, and that they have all actually paid him a full consideration. Proof of residence filed, 14 June 1837.

Appd. 13 March 1838.

A. V. B.

Report of the Commissioner for certifying registered claims  
under the 14th Article of the Choctaw treaty of September 1830.-

No. on Schedule.	Name of Reverend.	That part of Section.	Section	Township	Range	East or West	Location Approved.	Name of person credibility and the pub- lic standards of their testimony.
203	Jack Jenkins		19	17	15	E	Approved	John W. Byron and T. M. Tuck- er (credibility known to Commis- sioner proving continued resi- dence &c as re- quired by treaty.
	Fractional	N. 1/2 and S.W.	20	17	15	E		

Approved.

A. V. Brown, Comr.

Captain Lawachubbee's Company -

	Men	Women	
* * *	* *	* * *	*
Jack Jenkins	1	13	*
* * * *	*	* *	*

Choctaw Nation June 5 /45

Maj. Wm. Armstrong

Sir

I received your letter from Washington requesting me to visit the Choctaw Emigrants, who had arrived among us from the old country and to receive them kindly. I have done so, and welcome them to the country. With few exceptions I find them poor and quite destitute of farming utensils, they are however making settlements in this District and seem much pleased with the country, but it is deeply to be regretted that they are not able for the want of tools to cultivate the soil and make a living, for soon their rations will be out, and what will they have to subsist upon another year. This is a subject which should be considered by the Government, and the earliest measures should I think be adopted to relieve their future wants. Are these people not entitled to Guns, powder & Lead as stipulated in the treaty of 1831?

I beg leave to inform you that there are many of my people now residing in this district who emigrated to this country since our General Emigration upon their own expenses and who have never as yet received any subsistence or aid from the Government. A list of part of them I send you which I have had taken by my Secretary in my presence and desire that you represent their case fully to the Department and to secure to

them if possible one year subsistence of provisions, and money for moving themselves to the country equivalent to the contract price given for moving them under contractors, also Guns, powder and lead this I think would be just as many of them received no benefits whatever, from the Treaty especially in lands; I will so soon as I can send you a list of the ballance.

I have been very particuler in identifying those who moved themselves, and who have not received any aid from the Government and hope that the Department will be liberal towards them.

I am very Respectfully your most

Obt.

Thos. Leflore.

Maj. Wm. Armstrong



Muskogee, Indian Territory, September 24, 1903

The Commissioner  
of Indian Affairs.

Sir:

It appears from an examination of the record in the case of Mollie Alexander, et al., M.C.R. 7194, that the applicants therein claim rights in the Choctaw lands under article fourteen of the treaty of eighteen hundred and thirty, by reason of being descendants of Jack Jenkins and Bob Indian, both of whom are alleged to have been full-blood Choctaw Indians.

The name Jack Jenkins appears on page 18 of Volume I, Claimant's Brief and Evidence in the case of the Choctaw Nation vs. the United States before the Court of Claims No. 12742, in a "Register of Choctaw names as entered by the Agent previous to the 24th day of August, 1831, who wish to become citizens according to a provision of the late treaty in 1830."

From the testimony of the principal applicant it appears that she is the daughter of one Jack Jenkins who resided near Madisonville, Madison county, Mississippi in 1830 and was the father of three children.

It is therefore respectfully requested that the records of your office relating to the said Jack Jenkins, whose name appears

Commissioner Indian Affairs--2

upon Ward's register, be forwarded to this Commission for use in the determination of this case.

Respectfully,

Chairman.

COMMISSIONERS:  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE,  
W. E. STANLEY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ALLISON L. AYLESWORTH,  
SECRETARY.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 24, 1903.

Received of the Commission to the Five Civilized Tribes,  
one copy of testimony in the following cases:

Joseph Hicks, et al.,	M C R 7150
Mollie Alexander, et al.,	M C R 7194
Minnie C. Kennedy, et al.,	M C R 6796 (2 copies, one of additional tes.)

*A. S. M. Keen*

Atty. for applicants.

Muskogee, Indian Territory, October 21, 1903.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

It appears from the records of the Commission that on March 21, 1903, Mollie Alexander appeared before this Commission and made application for the identification of herself and her two minor grandchildren as Mississippi Choctaws, claiming rights in the Choctaw lands under article fourteen of the treaty of 1830, by reason of being descendants of Jack Jenkins, who is alleged to have been a full blood Choctaw Indian, and to have resided in Mississippi in 1830.

From the testimony it appears that the principal applicant is the daughter of one Jack Jenkins who resided near Madisonville, Madison County, Mississippi in 1830 and was the father of three children under ten years of age, viz: Fannie, Mollie (principal applicant) and Olive.

There has also been filed for record in said case, the certified copy of a patent issued to Jack Jenkins under article fourteen of the treaty of 1830. The records in the possession of the Commission show that the name Jack Jenkins appears on Ward's register

M NoM & C 3

as the father of three children under ten years of age.

You are advised that you will be allowed 30 days from this date in order that you may examine the records in said case and introduce such testimony on behalf of the Nations as you may deem advisable.

Respectfully,

Commissioner in Charge.

COMMISSIONERS:  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE,  
W. E. STANLEY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

ALLISON L. AYLESWORTH,  
SECRETARY.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Oct 30 - 03

Received of Dawes Com-  
mission 1 copy each the  
following:

Joseph Hicks	7150
Mollie Alexander	7194
Minnie Kennedy	6796

Muskogee, Indian Territory, November 2, 1903.

The Commissioner  
of Indian Affairs.

Sir:

There is now pending before this Commission, the consolidated Mississippi Choctaw application of Mollie Alexander, et al., wherein it appears that that the applicants therein claim rights in the Choctaw lands under article 14 of the treaty of 1830, by reason of being descendants of Jack Jenkins and Bob Indian, who are alleged to have been full-blood Choctaw Indians, and to have resided in Mississippi in 1830.

From the testimony of the principal applicant it appears that she is the daughter of Jack Jenkins and Rose Jenkins who resided near Madisonville, Madison County, Mississippi in 1830, and is one of three children whose names are given as Fannie, Mollie (the principal applicant) and Olive, all of whom were under ten years of age at the date of the treaty.

From an examination of the records in the possession of the Commission it is found that the name Jack Jenkins appears on page 18 of Volume I, Claimant's Brief and Evidence in the case of the Choctaw Nation vs. the United States, before the Court of Claims No. 12742, in a "Register of Choctaw names as entered by the Agent previous to the 24th August, 1831, who wish to become citizens

Commissioner of Indian Affairs- 2

according to a provision of the late treaty of 1830,\* as an Indian, having at the date of the treaty, three children under ten years of age.

It is therefore respectfully requested that the records of your office, relating to the said Jack Jenkins whose name appears upon Ward's register, be forwarded to this Commission for use in the determination of this case.

Respectfully,

Chairman.



M C R 7194

COPY.

Muskogee, Indian Territory, April 6, 1904.

A. S. McRae,

Attorney at Law.

Muskogee, Indian Territory,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mollie Alexander, et al., which embraces the following cases:

Mollie Alexander, et al.,	M C R 7194
Minnie C. Kennedy, et al.,	M C R 6796
Joseph Hicks, et al.,	M C R 7150

You are further advised that the applicants in this case have been allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*T. B. Needles.*

Commissioner in Charge.

Registered.

M C R 7194

COPY.

Muskogee, Indian Territory, April 6, 1904.

J. B. Ferguson,  
Attorney at Law,  
Enid, Oklahoma.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mollie Alexander, et al., which embraces the following cases:

Mollie Alexander, et al.,	M C R 7194
Minnie C. Kennedy, et al.,	M C R 6796
Joseph Hicks, et al.,	M C R 7150

You are further advised that the applicants in this case have been allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*T. B. Needles.*

Commissioner in Charge.

Registered.

M C R 7194

COPY.

Muskogee, Indian Territory, April 6, 1904.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission, rendered March 15, 1904, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mollie Alexander, et al.

You are hereby advised that the applicants in this case have been allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*T. B. Needles.*

Commissioner in Charge.

Enc MCR-7194

W C R 7150

COPY!

Muskogee, Indian Territory, April 6, 1904.

Joseph Hicks,

Zangwill, Oklahoma.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mollie Alexander, et al., including you and your children Joseph Hicks, Jr., Mary Hicks, Peggy Angy Hicks and Willie Hicks.

You are further notified that you will be allowed fifteen days from the date of this notice in which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*T. B. Needles.*

Commissioner in Charge.

Registered.

M C R 6796

COPY.

Muskogee, Indian Territory, April 6, 1904.

Minnie C. Kennedy,

Zangwill, Oklahoma.

Dear Madam:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mollie Alexander, et al., including you, your children Pearl W. Kennedy, Pennie M. Kennedy, Wilson T. Kennedy, Winzer D. Kennedy, Warner G. Kennedy, Whitt Kennedy, Portieor Kennedy and Perchie L. Kennedy.

You are further notified that you will be allowed fifteen days from the date of this notice in which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*T. B. Needles.*

Commissioner in Charge.

Registered.

M C R 7194

COPY.

Muskogee, Indian Territory, April 6, 1904.

Mollie Alexander,  
Greenville, Mississippi.

Dear Madam:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mollie Alexander, et al., including you and your grand-children Alma Jones and Betsy Jones.

You are further notified that you will be allowed fifteen days from the date of this notice in which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*T. B. Needles.*

Commissioner in Charge.

Registered.

COMMISSIONERS:  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

WM. O. DEALL,  
SECRETARY

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

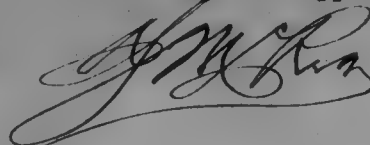
REFER IN REPLY TO THE FOLLOWING

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 16, 1904.

Received of the Commission to the Five Civilized Tribes one  
copy of the decision in the consolidated Mississippi Choctaw case  
of Mollie Alexander, et al.

Attorney for applicants.



Muskogee, Indian Territory, April 22, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Mollie Alexander, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of March 15, 1904.

The above consolidated case embraces the following original applications heard by the Commission:

Mollie Alexander, et al., M.C.R. 7194.  
Minnie C. Kennedy, et al., M.C.R. 6796.  
Joseph Hicks, et al., M.C.R. 7150.

The Commission has the honor to report that the principal applicants in the several separate applications, their attorneys of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

There is also transmitted herewith brief and argument by A. S. McRea, attorney for the applicants, in relation to this case, filed with the Commission April 15, 1904.  
Respectfully,

Through the Commissioner  
of Indian Affairs.

Chairman.

3 Enc.: MCR-7194.



Land.  
28286-1904.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON, August 4, 1904.

(COPY).

694-171

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to forward herewith, for Departmental action, a report of the Commission to the Five Civilized Tribes, dated April 22, 1904, transmitting therewith the record in the consolidated cases of-

Mollie Alexander et al., M.C.R. 7194,  
Minnie C. Kennedy et al., M.C.R. 6796,  
Joseph Hicks et al., M.C.R. 7160,

applicants to the Commission for identification as Mississippi Choctaw Indians, including the decision of the Commission of March 15, 1904, denying said applications.

The principal applicant, Mollie Alexander for herself and her two minor grand-children Alma and Betsey Jones, claims rights in the Choctaw lands under Art. 14, of the treaty between the United States and the Choctaw Nation, concluded Sept. 27, 1830, by reason of being a descendant and daughter of one Jack Jenkins, a full blood Choctaw Indian, who received lands in Mississippi under the 14th article of the treaty of Dancing Rabbit Creek, and also by reason of being a descendant of one Bob Indian, her grandfather on her mother's side and an alleged full blood Choctaw Indian. Applicants, Minnie C. Kennedy, for herself and her eight minor children, Pearl W., Pennie M., Wilson T., Winzer D., Warner G., Whitt, Portieor & Perchie L. Kennedy and Joseph Hicks for himself and his four minor children, Joseph, Jr., Mary, Peggy, Anny and Willie Hicks

claim said rights by reason of being descendants of said Jack Jenkins, the alleged grand-father of applicants Minnie C. Kennedy and Joseph Hicks, through their mother Mollie Alexander, the principal applicant aforesaid and the alleged daughter of the said ancestor Jack Jenkins.

The Commission take as their opinion, that principal applicant Mollie Alexander "appears to be about an one-half blood Choctaw Indian or more than that; she shows her Indian degree without question, her hair which is now very nearly gray, shows black and long and is not the hair of a negro, her features are the features more of an Indian than that of a negro, although she shows her negro blood some; she was a slave and her mother was also a slave, she understands a few words of the Choctaw language", while as to applicant Minnie C. Kennedy who is a sister to applicant Joseph Hicks, the Commission states that Minnie C. Kennedy "appears to be descended from African parentage, and if she has any other mixture, the Commission is unable to determine it". It appears from the evidence and the records before the Commission that none of the afore-named applicants have ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or Committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes or by a decree of the United States Court in Indian Territory under the provisions of the Act of Congress approved June 10, 1896 (29 Stat. 321).

As to the names Jack Jenkins and Bob Indian, the names of the ancestors through whom applicants claim by descent, the records of this office show that one Jack Jenkins was a claimant under the 14th

Article of the treaty of 1830, and there was reserved to him and his children an approved location under said Art. 4, as will appear from a copy of the record of "Brown & Kincannon's notes of Proceedings in Certifying Choctaw Claims in Miss." Book 95, page 274, viz:-

"No. 203 Jack Jenkins Sec. 19, T 17, R 15 E.

For children N/2 & SW/4 Sec. 20, T 17, R 15 E.

The N/2 and SW/4 of Sec. 20, T 17, R 15 E., claimed by John G. Skinner and the N/2 of Sec. 19, above, is claimed by the heirs of Grabel Lincoum and the South half of 19 is claimed by Wm. Shaw. The reserves present admits the sale of the different portions as above and desires that patents may issue to the respective purchasers for the portions purchased by each respectively, and that they have all actually paid him a full consideration.

Proof of residence filed, 14 June 1837.

App'd 13 March 1838,

A.V.B."

See also report of A. V. Brown, commissioner for certifying registered claims under Article 14 of the Choctaw Treaty of 1830, Book 94, page 1.

The records of the General Land Office show that the whole of Sec. 19, T 17 N., R 15 E., containing 642.80 acres, were reserved to Jack Jenkins and the N/2 & SW/4 of Sec. 20, T 17 N. R 15 E., containing 483.90 acres was reserved to the three children of Jack Jenkins who were under ten years of age at the date of the treaty of 1830, but the total acreage of said lands amounting to 1126.70 acres was patented on October 10, 1842 to Jack Jenkins, a certified copy of which patent has been filed as an Exhibit in the evidence on file in this case. (See report of C.A. Harris, Com. Indian Affairs, War Dept., to John W. Moore, Acting Com. General Land Office, dated September 6, 1838 on file in the General Land Office; also Record of Patent Choctaw Treaty of 1830, Vol. 1, page 57). A persistent research of the files and records of both this office and the Gen-

eral Land Office fails to reveal the names of the three children under ten years of age, of Jack Jenkins at the date of the Treaty of 1830. Principal applicant, Mollie Alexander, testified that the names of the three children of Jack Jenkins were Fannie, Mollie and Olive, in the order named. We have no records to refute that statement. But Mollie Alexander insists that she is the child of Jack Jenkins named Mollie, whom the records show was under ten years of age in 1830, whereas applicant Mollie Alexander testified on March 21, 1903, that she was 70 years old, that she was born three years after the treaty - 1833 consequently applicant could not have been the child of Jack Jenkins named Mollie, who was under 10 years of age in 1830, because applicant was not then born. The evidence in this case shows that the lands occupied by claimant's ancestor, Jack Jenkins, were located on Pearl River in Madison Co., Mississippi, whereas the lands reserved and patented to the Jack Jenkins of record are situate in Lauderdale Co., Mississippi.

The name Jack Jenkins appears also on page 18 of Vol. 1, of Evidence in Claimant's Brief in case of Choctaw Nation vs. the United States and also on pages 66, 126 & 133 of American State Papers, Vol. VII, but claimant Mollie Alexander when cross-examined by the Commission, admitted that she does not know that the Jack Jenkins referred to therein as being on Col. Ward's list, was identical with Jack Jenkins her father.

The evidence and the records submitted herein, considered in connection with the records of this office, fail to establish that Jack Jenkins of record is identical with Jack Jenkins the applicant's ancestor.

As to Bob Indian, the other ancestor of applicant, the files of this office show that one O-mubbee or Bob, and one Me-ah-tubbee or Bob, were scrippees and that one Bob was the child of Stim-a-li-ha-jah, an applicant for scrip, who was rejected, but no attempt has been made by applicants to trace their genealogy to any one of the aforementioned Bob of record. I am of opinion that the evidence in this case taken in connection with the records of this office fail to identify any of the within applicants as descendants of any Choctaw Indian who complied or attempted to comply with the provisions of Article 14 of the Treaty of 1830, or who received land thereunder or scrip under subsequent legislation relative thereto, and therefore they are not entitled to identification as Mississippi Choctaw Indians.

I recommend that the decision of the Commission of March 15, 1904, refusing to identify any of the aforementioned applicants as Mississippi Choctaw Indians be affirmed.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

G. R.

L.

DC.29363-1904.  
ITD.6286-1904.  
L.R.S.

(COPY). W.C.F. FHE.  
DEPARTMENT OF THE INTERIOR,  
WASHINGTON, August 10, 1904.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

April 22, 1904, you transmitted the record in the consolidated Mississippi Choctaw case of Mollie Alexander, et al (M.C.R. 7194), including your decision of March 15, 1904, refusing to identify the applicants.

You also transmitted an argument filed by the attorney for the applicants, which has been considered by the Department in connection with the record.

Reporting in the matter August 4, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

THOS. RYAN,

1 inclosure.

Acting Secretary.

COMMISSIONERS:  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

WM. O. BEALL,  
Secretary.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:

M.C.R. 7194

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

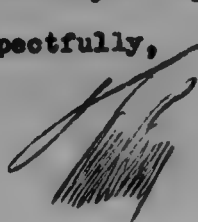
Muskogee, Indian Territory, August 27, 1904.

Mollie Alexander,  
Greenville, Mississippi,

Dear Madam:

You are hereby notified that on the 10th day of August, 1904 the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mollie Alexander et al., of which decision you were advised by registered mail on the 6th day of April, 1904.

Respectfully,



Chairman.

M.C.R. 7194

COPY.

Muskogee, Indian Territory, August 27, 1904.

A. S. McRea,

Attorney at Law,

Muskogee, Indian Territory,

Dear Sir:

You are hereby notified that on the 10th day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mollie Alexander, et al., of which decision you were advised by registered mail on the 6th day of April, 1904.

Respectfully,

(SIGNED)

*Tams Bixby.*

Chairman.



MC.R. 7194

COPY.

Muskogee, Indian Territory, August 27, 1904.

J. B. Ferguson,

Attorney at Law,

Ada, Oklahoma Territory,

Dear Sir:

You are hereby notified that on the 10th day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mollie Alexander et al., of which decision you were advised by registered mail on the 6th day of April, 1904.

Respectfully,

(SIGNED)

*Tams Bixby.*

Chairman.

M.C.R. 7194

COPY.

Muskegee, Indian Territory, August 27, 1904.

Mansfield, McMurray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory,

Gentlemen:

You are hereby notified that on the 10th day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mollie Alexander et al., of which decision you were advised by mail on the 6th day of April, 1904.

Respectfully,

(SIGNED)

*Tame Bixby.*

Chairman.

Bob Indian, full

Jack Jenkins, full, Dead

wife

Rose Jenkins,  $\frac{1}{4}\frac{1}{2}$ , Dead.

Fannie Jenkins, Dead

neg  
1194

Mollie Jenkins, 70  $\frac{3}{4}$ .

married

Watt Hicks, Dead

George Alexander, Living. neg. white

Olive Jenkins, Dead.

neg  
6796

Minnie C. Hicks, 35  $\frac{7}{8}$

married

Wilson J Kennedy, neg. white

neg  
7150

Joseph Hicks, 29  $\frac{3}{8}$

wife

Iola Hicks, negro

Vince Jones,  $\frac{3}{8}$  Dead

wife

Laura Jones, neg. Dead

neg  
6796

Pearl W. Kennedy, 16

Pennie M. Kennedy, 14

Wilson T. Kennedy, 12

Winger A. Kennedy, 10

Warner G. Kennedy, 8

Whitt Kennedy, 6

Portier Kennedy, 4

Pertie L. Kennedy, 3

neg  
7150

Joseph Hicks, 7

Mary Hicks, 5

Peggy Ann Hicks, 3

Willie Hicks, 1

neg  
7194

Alma Jones, 9

Betsy Jones, 7

2799

No. 7194

## FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 21 1903

Name Mollie Alexander

Age 70 + Blood  $\frac{3}{4}$ 

Post Office, Greenville, Miss.

Father: Jack Jenkins f. d

Mother: Rose "  $\frac{1}{2}$  + dClaims through Father (full)  
Mother  $\frac{1}{2}$   
Husband +George Alexander. (l. neg +  
a white)  
No claim for husband  
Grand children -

Children:

Alma Jones. 9 -  $\frac{3}{16}$ Betsey " 7 -  $\frac{3}{16}$ 

f. Vince Jones. (d). ch. 3

m. Laura " (d). neg.

Claims for self  
and 2 grand-  
children.

Stenographer

Charles J. Saffar



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
**FILED**

SEP 26 1904

*[Handwritten signature]*

--- CHAIRMAN



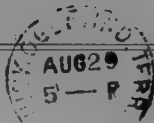
Department of the Interior.

Commission to the Five Civilized Tribes,  
MUSKOGEE, IND. TER.

M. C. R.

General Office

7/19/04



Hollie Alexander,

Greenville, Mississippi.



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
**FILED**  
MAY 16 1904

A handwritten signature or set of initials, possibly "J. H. H.", written in dark ink.

CHIEF

Department of the Interior.

Commission to the Five Civilized Tribes,  
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



Mollie Alexander,

Greenville, Mississippi.

MAY 18 1904

MUSKOGEE IND. TER.  
APR 17 1904  
REGISTERED



FORWARDED

APR - 1904

W AND

APPROVED BY  
SECRETARY OF INTERIOR  
APR 1904

EXPERIMENTAL  
APR 1904

SECTION OF INVESTIGATION  
AND COLLECTION OF CHOCOTAW  
AND CHOKTAW

SECTION  
APR 1904

Choctaw MCR 7195

John Henry

MCR 7195

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---o---

In the matter of the application of John Henry, for  
identification as a Mississippi Choctaw.

---o---

Herein is the record in the matter of the application  
of John Henry for identification as a Mississippi Choctaw.

M. C. R. 7195.

.....

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---O---

In the matter of the application of John Henry for identification as a Mississippi Choctaw, M. C. R. 7195.

--: I N D E X :--

	(Page)
Original application of John Henry for identification as a Mississippi Choctaw-----	1
Testimony of Oscar Billey-----	5
Decision of the Commission identifying said applicant as a Mississippi Choctaw-----	8

---O---

Department of the Interior  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. March 21, 1903.

---O---

In the matter of the application of John Henry for the identification of himself as a Mississippi Choctaw.

Oscar Billie interpreter.

John Henry being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A John Henry?  
Q What is your age? A Sixty-seven.  
Q Where do you live now? A Territory.  
Q What place where do you get your land? A Roff.  
Q In the Chickasaw Nation? A Indian Territory.  
Q How long have you been at Roff? A Just now coming here.  
Q Where did you live before you went to Roff? A Mississippi.  
Q Always? A Yes, sir.  
Q What county? A Scott.  
Q All your life? A Yes, sir.  
Q What was your father's name? A Billie John.  
Q Is he living? A No, sir.  
Q Is your mother living? A Died good while.  
Q What was her name? A Sallie.  
Q Any other name? A Just Sallie.  
Q Was Billie John a full blood Indian? A Yes, sir.  
Q Was Sallie a full blood? A Yes, sir.  
Q You are a full blood Indian? A Yes, sir.  
Q Did your father or mother ever live in the Choctaw Nation Indian Territory? A No, sir.  
Q Always lived in Mississippi? A All born in Mississippi died in Mississippi.  
Q Did you come to Roff in Indian Territory to stay in the Indian Territory and take land there and live there all your life? A Yes, sir.  
Q Is your wife living? A Yes, sir.  
Q Just claim now for yourself? A yes, sir.  
Q Children all married? A All married.  
Q How many have you? A Four.  
Q All here? A Two girls backover down in Mississippi he got husband there.  
Q What is the oldest sons name? A Wallace Henry.  
Q What is your other son's name? A Frank Henry.  
Q They are coming before the Commission today? A Yes, sir.  
Q What is your wife's name? A Mary.  
Q Just Mary? A Just Mary.  
Q Full blood? A Full blood.  
Q Dead? A Dead.  
Q Was she the mother of Wallace Henry? A Yes, sir.

- Q Was she the mother of Frank? A Yes, sir.  
 Q You have two other children? A Yes, sir.  
 Q Where are they in Mississippi? A Mississippi.  
 Q Is Beauty Billie your daughter? A Yes, sir.  
 Q And her husband is Oscar Billie? A Yes, sir.  
 Q And he is in the Territory and his wife with him? A Yes, sir.  
 Q Now have you got another daughter in Mississippi? A Yes, sir.  
 Q What is her name? A Lona McMillan.  
 Q Indian? A Full blood.  
 Q Lona McMillan is a full blood Choctaw? A Yes, sir.  
 Q Is she coming to the Territory? A I don't know.  
 Q Now John listen. Did you ever go before the Dawes Commission in Mississippi and try to be enrolled as a Choctaw Indian there? A No.
- 
- Q This is the first time that you have come before the Dawes Commission or before any authority whatever to be a Choctaw Indian? A Yes, sir.  
 Q Do you come before the commission now to be identified as a Mississippi Choctaw? A Yes, sir.  
 Q Do you claim under article fourteen of the treaty of 1830? A Yes, sir.  
 Q Have these two boys ever been before the Commission before? A No.  
 Q Has your daughter, Oscar Billie's wife, been before the Commission? A Yes, sir.  
 Q But she is the only one? A Yes, sir.

Article fourteen of the treaty of 1830 is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Now your father has been dead heap long time? A Yes, sir.  
 Q Did you ever hear about Colonel Ward? A No.  
 Q Did you ever hear about the treaty of 1830? A No, sir, don't know about that.  
 Q You never heard about article fourteen of that treaty did you? A No, sir.

- Q But you do know that your father Billie John was a full blood Choctaw? A Yes, sir.
- Q And always lived in the Choctaw Nation in Mississippi? A Yes, sir.
- Q And you know your mother Sallie was a full blood Choctaw Indian and also lived in the state of Mississippi, lived there and died there? A Yes, sir.
- Q You were born and always lived there until you went to Roff, Indian Territory? A Yes, sir.
- Q And you went to Roff to be a Choctaw Indian and have land there? A Yes, sir.
- Q What day did you come? A On way now.
- Q When did you come to the Indian Territory, what day? A Just on way to here.
- Q When did you leave Mississippi? A Wednesday.
- Q You left Meridian Mississippi wednesday March 18 did you? A Yes sir.
- Q Are you going to stay here? A Yes, sir.
- Q Why didn't you go to the commission before, John? A So having too far to go.
- Q Too much trouble at that time? A Too much trouble.
- Q Didn't know whether you wanted to go to the Territory any way did you? A Winston told him he would go before the Commission for him and that John Henry needn't go at all.
- Q You don't understand anything about the treaty of 1830, the Commission of 1837 or the commission of 1842, or about scrip being given to the Indians do you? A No, sir.
- Q Now you are a full blood Choctaw from Mississippi are you? A Yes, sir.
- Q And you want to come here and take advantage of your right as a Choctaw Indian in the Choctaw land here in the Indian Territory? A Yes, sir.
- Q And you want to claim your rights under both the treaty of 1830 and article fourteen of that treaty, and the supplemental treaty which was ratified between the United States government and the Choctaw Indians on the 25th day of September 1902? A Yes, sir.

This Indian is a full blood Choctaw Indian the examiner who has taken this application was in Mississippi and heard a great many full blood Choctaw Indians and knows this interpreter Oscar Billie personally, and knows he is the son-in-law of this applicant. Oscar Billie at one time appeared before the commission. There is no question about John Henry being a Choctaw Indian and about his having lived in Mississippi all his life and about his now having come to the Indian Territory for the purpose of making it his permanent residence and claiming his rights under the late supplemental treaty between the United States and the Choctaw Indians.

Reference is made to the application of Oscar Billie M.C.R. 3027. Oscar Billie son-in-law of this applicant made application for his wife, who is the daughter of this applicant John Henry.



7195-4

stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause taken at Muskogee, Indian Territory, March 21, 1903, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

*Chas. Diffendaffer*

Subscribed and sworn to before me this 2nd day of May 1903.

*Charles H. Sawyer*

Notary Public.



4394.  
DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Carthage, Mississippi, December 14th, 1901.

In the matter of the application for the identification of  
John Henry and his minor son Frank Henry as Mississippi Choctaws.

Oscar Billey, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Oscar Billey.  
Q What is your age? A Thirty-eight years old.  
Q What is your postoffice address? A High Hill, Mississippi.  
Q In what County do you live? A Neshoba.  
Q How long have you lived there? A I have lived there ever since I was twenty-one years old.  
Q Where did you live before that? A I was born and raised in Leake County.  
Q Are you a full blood Choctaw Indian? A Yes sir.  
Q What is your occupation? A I am a farmer but I am now official interpreter to the Commission to the Five Civilized Tribes.  
Q Are you acquainted with a man by the name of John Henry? A Yes sir.  
Q How long have you known him? A I have been knowing him for, well ever since I was little boy.  
Q Is he a full blood Indian? A Yes sir.  
Q Choctaw? A Yes sir.  
Q About how old is he? A Sixty-eight.  
Q What is his postoffice address? A Piketon.  
Q Scott County, Mississippi? A Yes sir.  
Q How long has he lived in Scott County? A I think he has been living in Scott eighteen or twenty years.  
Q Where did he live before that? A Newton County, born and raised in Newton.  
Q He has lived, then, in the State of Mississippi all his life, has he? A Yes sir.  
Q Is he any relation to you? A Yes sir.  
Q What relation? A Father-in-law.  
Q Is he living at this time? A Yes sir.  
Q Does he speak and understand the Choctaw language? A Yes sir and some English.  
Q Is his father living? A No sir.  
Q What was his name? A I don't know, sir.  
Q Was he a full blood Choctaw? A Yes sir, old man John said he was a full blood Choctaw.  
Q Did you ever see his father? A No sir.  
Q Do you know the name of John Henry's mother? A No sir.  
Q Is she living? A No sir. I have seen her but I can't think of her name.  
Q Was she a full blood Choctaw? A Yes sir, I think she was.  
Q Do you know the names of any of John Henry's grandparents? A No sir.  
Q Have all of his ancestors always lived in Mississippi as far as you know? A Yes sir.  
Q And all have been full blood Choctaws? A Yes sir.

John Henry et al---2

- Q Is John Henry's wife living? A No sir.
- Q Has he any children in his family under twenty one and unmarried? A Yes sir.
- Q How many? A One.
- Q What is the name? A Frank.
- Q How old is he? A Fifteen years old.
- Q Living with his father now? A Yes sir.
- Q Full blood Choctaw? A Yes sir.
- Q What was his mother's name? A I don't know.
- Q Did you ever see her? A No sir.
- Q Does Frank speak and understand the Choctaw language? A Yes sir.
- Q Associate entirely with the Choctaws, does he? A Yes sir.
- Q His father does too? A Yes sir.
- Q Did John Henry ever make any application of any kind to the Commission? A No sir.
- Q Where is he at this time? A He is forty or fifty miles above Vicksburg in the Mississippi bottoms, picking cotton.
- Q Is Frank with him there? A Yes sir.
- Q How do you know they are there? A They told me that was where they were going.
- Q When did they leave for the Mississippi bottoms? A The 18th of November.
- Q You were with the Commission during its appointment at Hays, Mississippi, from November 12th to November 30th, were you not? A Yes sir.
- Q How far does John Henry live from Hays? A Three miles.
- Q Did you see him before he left for the Mississippi bottoms during our appointment there? A Yes sir, I saw him the 13th of November at the Hays postoffice. He told me then that he was going to the Mississippi bottoms. The next day I went to his house to see if I could get him to come before the Commission but he said he wouldn't come before the Commission; he said Mr. Winton told him he was the Commission and he went before him this year and he said he wouldn't sign nary another man's papers because Mr. Winton told him that he was the Commission.
- Q You explained to him the difference between appearing before the Commission and making a contract, did you? A Yes sir, I told him that Winton wasn't the Commission.
- Q And that he didn't have to make any contract? A Yes sir and he didn't have to sign any papers.
- Q Do you know whether any of his ancestors or any of the ancestors of his son's mother ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir, not that I know of.
- Q Do you know whether any of them were ever recognized members of the Choctaw Tribe? A No sir.
- Q Whether any of them ever received any scrip from the Government of the United States under the act of Congress approved August 23, 1842? A Not that I ever heard.
- Q Whether any of them ever got any money or any land here in Mississippi from the Government? A No sir, not that I know of.
- Q Do you know anyone who would likely know about that? A No sir, I do not.

This applicant is a full blood, living about three miles from Hays in Scott County, Mississippi. He came to Council Bluffs during the appointment of the Commission at that place in the early part of November. For the purpose of

John Henry et al---3

talking to the Commission with reference to making application and every effort was made to induce him to apply. He also came to the camp of the Commission at Hays on the 13th of November and every effort was made to induce him to make an application but he wouldn't do so. He left Scott County on the 18th day of November for the Mississippi bottoms, presumably about forty miles above Vicksburg, for the purpose of picking cotton during this Fall and Winter, expecting to return to Scott County in the Spring. He speaks and understands the Choctaw language and also speaks and understands English very well.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause, heard at Carthage, Mississippi, December 14th, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 16th day of December, 1901, at Carthage, Mississippi.

*L. B. Maschke*  
Clerk U.S. Circuit Court, Southern  
District of Mississippi.

By *J. Smith* Deputy.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----o-----

In the matter of the application of John Henry for identification as a Mississippi Choctaw, M. C. R. 7195.

-----o-----

--: D E C I S I O N :--

It appears from the record herein that application for identification as a Mississippi Choctaw was made to this Commission on March 21, 1903, by John Henry for himself, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

From the evidence submitted in support of said application, it appears that the applicant herein is a full blood Mississippi Choctaw Indian.

Section forty-one of the act of Congress, entitled "An Act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes," approved July 1, 1902 (32 Stats., 641), and ratified by the Choctaw

and Chickasaw Nations September 25, 1902, provides as follows:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eight, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that John Henry should be identified as a Mississippi Choctaw, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Chairman.

  
Commissioner.

  
Commissioner.

  
Commissioner.

Muskogee, Indian Territory,

JUL 21 1903

COPY

M.C.R. 7195

Muskogee, Indian Territory, July 21, 1903.

John Henry,

Roff, Indian Territory.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered July 21, 1903, identifying you as a Mississippi Choctaw Indian under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stat. 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before January 21, 1904, you will have six months from that date or until July 21, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation or Tishomingo, Chickasaw Nation.

Respectfully,

(SIGNED):

*T. B. Needles.*

Commissioner in Charge.

Registered.

Enc. 7195.



COPY.

M.C.R. 7195

Muskogee, Indian Territory, July 21, 1903.

Mansfield, McMurray & Cornish,  
Attorneys for the Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered July 21, 1903, identifying John Henry as a Mississippi Choctaw Indian under the provisions of Section 41 of the Act of Congress approved July 1, 1903, (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof, in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said John Henry as a Mississippi Choctaw and make satisfactory proof of service of said protest upon the applicant herein.

If you fail to file such protest within the time allowed, the name of the applicant herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

(SIGNED)

*T.B. Needles.*

Commissioner in Charge.

Registered.

Enc. 7195.

7195

No. 7195

## FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 21 1903

Name John Henry.

Age 67

Blood

full

Post Office,

Roff. D.T.

Father:

Billy John<sup>f.</sup> (d)

Mother:

Sallie int. (d)

Claims through

both parents.

Wife, Mary - full (d)

~~Wife~~to claim for work  
alone

Stenographer



#1558

No. 4394

For Identification as a Mississippi Choctaw.  
*Carthage, Miss.* Date DEC 14 1901

Name *John Henry*Age *68*Blood *full*Post Office, *Pikeston, Miss*Father: *don't know* d

Mother: " " d

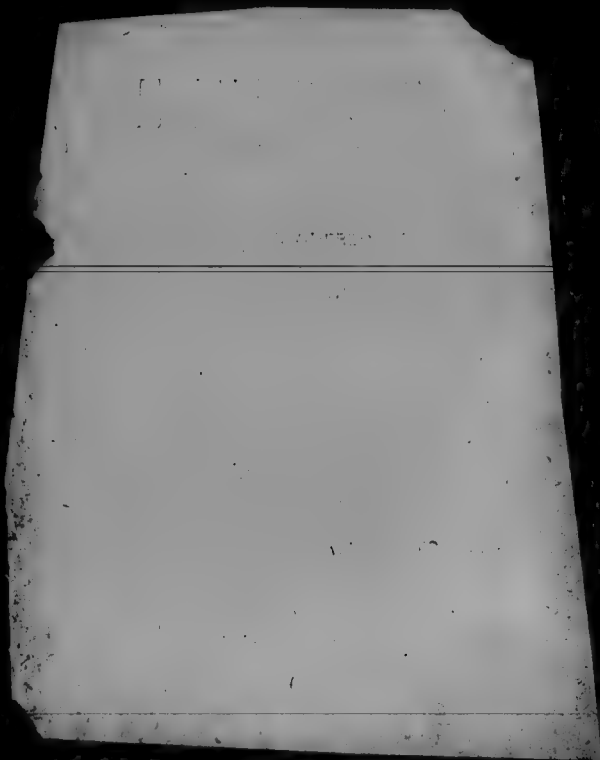
Claims through *both parents.**(Claims for self and minor son.)*

Children:

*Frank Henry (full) 15*Mother *don't know.* d*(Application by interpreter  
Oscar Billy).**(None of names of directors  
of applicants known.)*

Stenographer

*J. S. Miles*



Choctaw MCR 7196

Wallace Henry

MCR 7196

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---c0c---

In the matter of the application of Wallace Henry, et al.  
for identification as Mississippi Choctaws, M. C. R. 7196.

---c0c---

--: I N D E X :--

	(Page)
Original application of Wallace Henry, et al., before the Dawes Commission for identification as Mississippi Choctaws-----	1
Testimony of Oscar Billey-----	5
Decision of the Commission identifying the applicants as Mississippi Choctaws-----	8

---c0c---

4395-  
DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Carthage, Mississippi, December 14th, 1901.

In the matter of the application for the identification of Wallace Henry, his wife Lillie and child Himpton as Mississippi Choctaws.

Oscar Billey, being first duly sworn, testified as follows:

Examination by the Commission.

Q What is your name? A Oscar Billey.

Q What is your age? A Thirty-eight years old.

Q What is your postoffice address? A High Hill, Mississippi.

Q In what County do you live? A Neshoba.

Q How long have you lived there? A I have lived there ever since I was twenty one years old.

Q Where did you live before that? A I was born and raised in Leake County.

Q Are you a full blood Choctaw Indian? A Yes sir.

Q What is your occupation? A I am a farmer. I am now official interpreter to the Commission to the Five Civilized Tribes.

Q Are you acquainted with a man by the name of Wallace Henry? A Yes sir.

Q Is he living? A Yes sir.

Q Is he any relation to you? A Yes sir.

Q What relation? A Brother-in-law.

Q About how old is Wallace? A About twenty-eight years old.

Q How much Choctaw blood has he? A Full blood Choctaw.

Q How long have you known him? A I been knowing him ten or twelve years.

Q What is his postoffice address? A Piketon, Scott County, Mississippi.

Q How long has he lived in Scott County? A He has lived there I reckon most all his life. He was raised in Newton County until he was six years old and came to Scott and has been living there ever since.

Q Where is he now? A He is down in the Mississippi bottoms forty or fifty miles north of Vicksburg, picking cotton.

Q When did he go there? A He went there the 18th of November.

Q Did you see him while the Commission was at Hays and before he left for the Mississippi bottoms? A Yes sir, I went out there to see him one day, that was on the 13th of November. I went to his house but he wasn't at home and I saw him at his father's.

Q Did you try to get him before the Commission? A Yes sir and he said he wouldn't do it without his father and the balance of them coming and he said he wouldn't have nothing to do with it.

Q His father is living, is he? A Yes sir.

Q What is his name? A John Henry.

Q Is he a full blood Choctaw? A Yes sir.

Q Where does he live? A He lives three miles from Hays, near Piketon.

Q Has John Henry always lived in Mississippi? A Yes sir.

Q How long have you known him? A I been knowing him I speak eighteen or twenty years.

Q Is Wallace's mother living? A No sir.

Q What was her name? A I don't know.

Wallace Henry---2

Q Do you know whether she was a full blood or not? A Yes sir, their folks ~~says~~ says she was a full blood.

Q You are quite sure Wallace is? A Yes sir.

Q Does he speak and understand the Choctaw language? A Yes sir.

Q Speak and understand English? A Yes sir, some.

Q Does he associate entirely with the Choctaws or with the whites?

A With the Choctaws.

Q Is he married? A Yes sir.

Q Is his wife living? A Yes sir.

Q Living with him? A Yes sir.

Q Is she a full blood Choctaw? A Yes sir.

Q What is her name? A Lillie.

Q About how old is she? A About twenty-five.

Q Has she always lived in Mississippi? A Yes sir.

Q How long have you known her? A I have known her six or seven years.

Q Is her father living? A Yes sir.

Q What is his name? A I don't know, sir. Never heard it.

Q Is her mother living? A Yes sir.

Q What is her name? A I can't remember.

Q Is she a full blood Choctaw? A Yes sir.

Q Where does she live? A She lives in Hinds County near Jackson, Mississippi. She lived there with her brother but her brother died this year.

Q Does Lillie speak and understand the Choctaw language? A Yes sir.

Q Any English? A Very little in English.

Q She has every appearance of being a full blood, has she? A Yes sir.

Q Associates entirely with the full bloods? A Yes sir.

Q Have they any children? A Yes sir, one, a little boy about two months old. I understand his name is Himpton.

Q Is he living now? A Yes sir. He was on the 18th of November when they left for the Mississippi bottoms.

Q Do you know the names of any of the grandparents of Wallace or his wife? A No sir.

Q Has any application of any kind ever been made for Wallace or his wife or this child? A No sir, not that I know of.

Q Do you know whether any of the ancestors of Wallace or his wife were ever recognized members of the Choctaw Tribe of Indians? A No sir.

Q Or whether any of them ever received any benefits as such? A No sir.

Q Whether any of them ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.

Q Whether any of them ever received any scrip from the Government under the act of Congress approved August 23, 1842? A No sir, if they did, I don't know it.

Q Or whether any of them ever received any money from the Government? A No sir, not that I ever heard.

Q Or any land here in Mississippi from the Government? A No sir.

Q Do you know anyone who would likely know about these matters?

A No sir, I do not.

Wallace Henry---3

his wife Lillie. No member of this family has ever been seen by the Commission. As is shown by the testimony of Interpreter Billey, the applicant had knowledge of the appointment of the Commission at Hays and lived within three miles of that place. His father, John Henry, is a full blood Indian, speaks and understands the Choctaw language and some English.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Carthage, Mississippi, December 14th, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 16th day of December, 1901, at Carthage, Mississippi.

*L. B. Mosely*  
Clerk U.S. Circuit Court, Southern  
District of Mississippi.

by *[Signature]* Deputy.



Department of the Interior  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. March 21, 1903.

--- O ---

In the matter of the application of Wallace Henry for the identification of himself, his wife Lillie Henry, and his minor child Josie Henry, as Mississippi Choctaws.

Oscar Billy interpreter.

Wallace Henry being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A Wallace Henry.  
Q What is your age? A Twenty-nine.  
Q What is your post office address? A Roff, Indian Territory.  
Q Where were you born? A Scott county Mississippi.  
Q Have you always lived in Mississippi until you come to the Indian Territory? A Yes, sir.  
Q When did you leave Mississippi? A Wednesday 18, 1903.  
Q And you just got to the territory? A Yes, sir.  
Q And are going down to Roff to make that your home? A Yes, sir.  
Q Have you come from Mississippi to the Indian Territory to live in order to have a right as a Choctaw Indian under the existing treaty between the United States government and the Choctaw Indian? A Yes, sir.  
Q What is your father's name? A John Henry.  
Q Is he living? A Yes, sir.  
Q Full blood Indian? A Yes, sir.  
Q Is your mother living? A Been dead.  
Q What was her name? A Mary.  
Q Just Mary is it? A Yes, sir.  
Q Is she dead? A She is dead.  
Q Full blood? A Yes, sir.  
Q You are a full blood Indian too are you? A Yes, sir.  
Q You claim through both father and mother? A Yes, sir.  
Q Did your father always live in Mississippi? A Yes, sir.  
Q Always lived there since his birth? A Yes, sir.  
Q And did your mother Always live there? A Yes, sir.  
Q Were your father and mother both born in Mississippi? A Yes, sir.  
Q Where did they live most of their lives? A Scott county.  
Q Did your father John Henry come from Mississippi with you? A Yes, sir.  
Q And is he going to Roff with you? A Yes, sir.  
Q And you are going to live there and take land there? A Yes, sir.  
Q Do you speak Choctaw? A Yes, sir.  
Q Your father also speaks it? A Yes, sir.  
Q You don't speak English so well do you? A No, sir.  
Q Is your wife living? A Yes, sir.



- Q What is her name? A Lillie.  
 Q Lillie or Lillie Henry? A Lillie Henry.  
 Q Is she a full blood Choctaw? A Yes, sir.  
 Q You claim for your wife? A Yes, sir.  
 Q What was your wife's father's name? A John Allen.  
 Q Her father was John Allen? A Yes, sir.  
 Q Is he living? A Been dead.  
 Q Full blood? A Yes, sir.  
 Q And what was your wife's mother's name? A Cely Allen.  
 Q Dead? A Been dead one year.  
 Q Full blood? A Yes, sir.  
 Q Did she go before the Commission in Mississippi? A Yes, sir.  
 Q Where? A Meridian.  
 Q Did she give the name Cely Allen? A Yes, sir.  
 Q When did she die? A About March or April.  
 Q Cely Allen your wife's mother died in April 1902? A Yes, sir.  
 Q Do you know when in April she died what day of the month? A No, sir.  
 Q Your wife then Lillie Henry is with you and is a full blood? A Yes, sir.  
 Q And her father and mother both dead and died in Mississippi? A Yes, sir.  
 Q They both speak Choctaw? A Yes, sir.  
 Q Does your wife speak English? A Not much.  
 Q Have you any children that you want to make application for? A One.  
 Q What is the name? A Josie.  
 Q Josie Henry? A Yes, sir.  
 Q Girl? A Boy.  
 Q How old? A Seventeen months.  
 Q That is all the children? A That is all.  
 Q Now you claim for yourself, your wife and your child do you? A Yes, sir.  
 Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.  
 Q Have you ever made application for citizenship in the Choctaw Nation for yourself, wife and child before this either to the Choctaw tribal authorities or the Dawes Commission under the act of Congress approved June 10, 1896? A No.  
 Q Do you now come before the commission to identify yourself, wife and child as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes, sir.  
 Q Do you understand that article all right? A Yes, sir.

Article fourteen is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be un-

der ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Now Wallace you claim under that and also claim under the supplemental treaty made between the United States government and the Choctaw Indians September 25, 1902, don't you? A Yes, sir.
- Q Do you know whether any of your Choctaw ancestors who were full blood Indians lived in Mississippi in 1830 and went to Colonel Ward and tried to register under him, whether they ever got any land in Mississippi on which they lived for five years then got a patent from the government? A No, sir.
- Q Did you ever hear of a man called Colonel Ward? A No, sir.
- Q Did you ever go before the Commission to the Five Civilized Tribes or before any other authority, either in Mississippi or Indian Territory for the purpose of claiming any rights as a Choctaw Indian? A No, sir.
- Q Did your wife or anyone for her? A No, sir.
- Q Is this the first application that has ever been made before the Commission to the Five Civilized Tribes for your wife or for yourself to be identified as a Mississippi Choctaw? A Yes, sir.
- Q Did you ever hear of the treaty of 1830? A No, sir.
- Q Did you ever hear of article fourteen of the treaty of 1830? A No, sir.
- Q Did you ever of a Commission in 1837 or a Commission in 1842 or did you hear anything about scrip which was given to the Indians in Mississippi? A No, sir.
- Q You don't know anything about those things do you? A No, sir.
- Q But you do know that your father here is a full blood Choctaw Indian and also lived in Mississippi? A Yes, sir.
- Q You know you are a full blood Indian and married and lived in Mississippi? A Yes, sir.
- Q And your wife and her father and mother have always lived in Mississippi and are full blood? A Yes, sir.
- QQ You all speak Choctaw? A Yes, sir.
- Q And you come now from Mississippi to the Indian Territory as full blood Choctaw Indians to take advantage of the laws and treaties that now exist in your favor? A Yes, sir.
- Q When you go to Roff you intend to stay there, take land and take up your rights as they exist now between the United States government and the Choctaw tribe, and particularly the supplemental treaty? A Yes, sir.

This applicant is a full blood Choctaw Indian; his father John Henry has just made application before the Commission M.C.R. 7195; his brother-in-law, Oscar Billy, who is now the interpreter in this case and who married this applicant's sister, has already made application for himself and his wife to be identified as

7196-4

Mississippi Choctaws. This applicant with his father John Henry, and his brother Frank Henry, are on their way from Mississippi to Roff, Indian Territory for the purpose of there locating and availing themselves of their right that they have as Choctaw Indians under the existing treaty made between the United States government and the Choctaw tribe of Indians. There is no question about this applicant and his ancestors being full blood Choctaw Indians.

--- 0 ---

Chas. Diffendaffer, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause taken at Muskogee, Indian Territory, March 21, 1903, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

*Chas. Diffendaffer*

Subscribed and sworn to before me this 7<sup>th</sup> day of May 1903.

*Charles H. Sawyer*

Notary Public.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----cOo-----

In the matter of the application of Wallace Henry, et al.,  
for identification as Mississippi Choctaws, M. C. R. 7196.

D E C I S I O N .

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission on March 21, 1903, by Wallace Henry for himself, his wife, Lillie Henry, and his minor child, Josie Henry, under the following provision of the Act of Congress approved June 28, 1898, (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

From the evidence submitted in support of said application it appears that all the applicants are full-blood Mississippi Choctaw Indians.

Section forty-one of the act of Congress entitled "An Act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes," approved July 1, 1902 (32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of

this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that Wallace Henry, Lillie Henry and Josie Henry should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

  
Chairman.

  
Commissioner.

  
Commissioner.

  
Commissioner.

Muskogee, Indian Territory,

JUL 11 1903

M.C.R. 7196.

COPY.

Muskogee, Indian Territory, July 11, 1903.

Wallace Henry,

Roff, Indian Territory.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered July 11, 1903, identifying yourself, your wife, Lillie Henry and minor child, Josie Henry as Mississippi Choctaw Indians under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before January 11, 1904, you will have six months from that date or until July 11, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation or Tishomingo, Chickasaw Nation.

Respectfully,

(SIGNED)

*I. B. Needles.*  
Commissioner in Charge.

Registered.

Enc. 7196.

M.C.R. 7196

COPY.

Muskogee, Indian Territory, July 11, 1903.

Mansfield, McMurray & Cornish,  
Attorneys for the Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered July 11, 1903, identifying Wallace Henry, his wife, Lillie Henry and minor child, Josie Henry as Mississippi Choctaw Indians under the provisions of the forty-first section of the act of Congress approved July 1, 1902, (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Wallace Henry, his wife and child as Mississippi Choctaws and make satisfactory proof of service of said protest upon the applicants herein.

If you fail to file such protest within the time allowed the names of the applicants herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

(SIGNED)

*T. B. Needles.*

Commissioner in Charge.

Registered.  
Enc. 7196.

COMMISSIONERS  
TAMM BIXBY,  
THOMAS B. NEEDLES  
C. R. BRECKINRIDGE

WM. O. BEALL,  
SECRETARY

DEPARTMENT OF THE INTERIORS  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M C R 7196

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, July 19, 1904.

Wallace Henry,  
Roff, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 4th instant, in which you ask if you can make application for your infant child born February 20, 1904, as a Mississippi Choctaw.

In reply your attention is invited to the following provision of the Act of Congress approved July 1, 1902, which was ratified by the citizens of the Choctaw and Chickasaw Nations September 25, 1902:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement."

Under the above legislation the Commission is now without authority to receive or consider the original application of any person for identification as a Mississippi Choctaw.

Respectfully,



Commissioner in Charge.



M C R 7196

Muskogee, Indian Territory, June 12, 1905.

Wallace Henry,

Roff, Indian Territory.

Dear Sir:

Referring to your letter of May 1, 1905, addressed to the Commission at Ada, Indian Territory, requesting to be furnished with a blank application for the enrollment of your infant child, Lony Henry, as a citizen of the Choctaw Nation, and in which you stated that you would appear before the representative of the Commission at Ada on May 8, 1905, there is herewith enclosed blank application for the enrollment of an infant child. Care should be exercised in having this application executed in order that the same may be in proper form when returned to this office. You should attend to this matter at as early a date as possible.

Respectfully,

Chairman.

B.C.

7196

No. 7196

## FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 21 1903

Name Wallace Henry

Age 29 Blood full.

Post Office, Roff. S. T.

Father: John Henry. L. full

Mother: ~~Sa~~ Mary " (d). full

Claims through both parents.

Wife, { Lillie Henry, full  
 father. of mbe John Allen, d. f.  
 mother " Cely " (d) f.

Children:

Josie Henry. TM. 17 m.

Claims for self wife  
 and one child

Stenographer Chas. A. [signature]

#1559

No. 4395

For Identification as a Mississippi Choctaw.

Carthage, Miss.

Date

DEC 14 1901

Name

Wallace Henry

Age

28

Blood

full

Post Office,

Piketon, Miss

Father:

John Henry

L

Mother:—don't

know=

d

Claims through

both parents.

wife

Lillie Henry

(full) 25

Father don't know

d

mother

"

"

L

(Claims for self, wife and one  
child)

Children:

Simpton Henry—

1

(Application made by interpreter

Oscar Billy)

(Names of ancestors, except  
John Henry, unknown.)

Stenographer

L. S. Miles

THE  
LIBRARY OF THE  
CONGRESS

DEPARTMENT OF THE ARMY

ARMY

Choctaw MCR 7197

Frank Henry

MCR 7197

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---

The within record is in the matter of the  
application of Frank Henry for identification as a Mississippi  
Choctaw, M. C. R. 7197.

---

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---O---

In the matter of the application of Frank Henry for  
identification as a Mississippi Choctaw, M. C. R. 7197.

---O---

--: I N D E X: --

	(Page)
Original application of Frank Henry before the Commission to the Five Civilized Tribes for identi- fication as a Mississippi Choctaw-----	1
Decision of the Commission identifying Frank Henry as a Mississippi Choctaw.-----	5

-----O-----

Department of the Interior  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. March 21, 1903.

---o---

In the matter of the application of Frank Henry for the identification of himself as a Mississippi Choctaw.

Oscar Billy interpreter.

Frank Henry being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A Frank Henry.  
Q How old are you? A Twenty.  
Q What is your post office address? A Roff, Indian Territory.  
Q Did you come from Mississippi? A Yes, sir.  
Q Where did you live in Mississippi? A Scott county.  
Q Were you born there? A Yes, sir.  
Q Did you always live there? A Yes, sir.  
Q When did you leave Mississippi? A Wednesday, March 18, 1903.  
Q And you are on your way to Roff to live? A Yes, sir.  
Q With your wife? A Yes, sir.  
Q What is your father's name? A John Henry.  
Q Is John Henry living, your father? A Yes, sir.  
Q Is he a full blood Choctaw Indian? A Yes, sir.  
Q What is your mother's name? A Mary.  
Q Is she dead? A Yes, sir.  
Q She was a full blood? A Yes, sir.  
Q You claim through father and mother both do you? A Yes, sir.  
Q You are a full blood Indian are you? A Yes, sir.  
Q You belong to the Choctaw tribe of Indians? A Yes, sir.  
Q Did your father John Henry always live in Mississippi? A Yes, sir.  
Q And your mother Mary always lived there? A Yes, sir.  
Q Father and mother both born there? A Yes, sir.  
Q Is your wife living? A Yes, sir.  
Q What is her name? A Leona Henry.  
Q You claim for her do you? A Yes, sir.  
Q What is the name of the father of your wife Leona? A Wallace McMillan.  
Q What is the name of the mother of your wife? A I don't know.  
Q Is she dead? A Yes, sir.  
Q Is Wallace McMillan living? A Yes, sir.  
Q Is he a full blood Choctaw Indian? A Yes, sir.  
Q Has Wallace McMillan been before the Commission in Mississippi to be identified as a Mississippi Choctaw? A Yes, sir.  
Q Did he make application for your wife at that time, for your wife Leona? A Yes, sir.  
Q Do you know when that was? A Last fall year ago.  
Q You mean the fall of 1901? A Yes, sir.



- Q Did you ever made application yourself to be identified as a Mississippi Choctaw or claim any right as a Choctaw Indian before either the Choctaw tribal authorities in Indian Territory or before the Commission to the Five Civilized Tribes either in Mississippi or in the Choctaw Nation Indian Territory or under the act of Congress approved June 10, 1896? A No, sir.
- Q Is this the first time that you have ever made application for rights as a Choctaw Indian either to the Commission to the Five Civilized Tribes or any other authority? A Yes, sir.
- Q Did you say that Wallace McMillan made application for your wife who was his daughter Leona McMillan? A Yes, sir.
- Q Was that application made before the Commission on November 22, 1901 at Hayes, Mississippi? A Yes, sir.

The application of the wife of this applicant, Leona Henry, appears as a matter of record as shown by M.C.R. 4196, same being the application of Wallace McMillan for himself and his children Leona and Fannie.

- Q You said a while ago that you didn't know the name of the mother of Leona, did you ever hear her name was Malissa? A No, sir, never saw her.
- Q When were you married to her Frank? A Last Tuesday night.
- Q March 17, 1903? A Yes, sir.
- Q Where were you married? A Meridian, Mississippi.
- Q Were you married by a minister under a license? A Yes, sir.
- Q Have you got the papers with you? A Yes, sir.

The certificate of Richard W. Wallace, minister, as to the marriage of Frank Henry to Leona McMillan, which marriage occurred on the 17th of March 1903, is presented by this applicant, filed, marked exhibit "A" and made a part of the record in this case.

- Q You don't apply for anyone except yourself? A No, sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
- Q Did you ever made application for citizenship in the Choctaw Nation for yourself before any authority whatever up to the present time? A No, sir.
- Q Do you want to be identified now as a Mississippi Choctaw? A Yes, sir.
- Q Do you claim under article fourteen of the treaty of 1830 which article fourteen was inserted into the treaty for the especial benefit of all Mississippi Choctaw Indians, and do you want to be identified under the supplemental treaty made between the United States government and the Choctaw tribe of Indians? A Yes, sir.

Article fourteen is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon

be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know anything about whether your Choctaw ancestor, your father or mother or anyother ancestor of yours having Choctaw blood either complied with article fourteen of the treaty of 1830 or held land in the old Choctaw Nation either in Mississippi or Alabama under that treaty, or whether they went before a commission in 1837 or 1842 and claimed any right as a Choctaw Indian under article fourteen of the treaty of 1830, or ~~went~~ whether they received any scrip from the government as Choctaw Indians which entitled them to select land either in Mississippi, Alabama, or Arkansas, which scrip was issued under the act of Congress approved August 23, 1842? A I don't know.
- Q But you do know do you not that you are a full blood Choctaw Indian? A Yes, sir.
- Q And always lived in Mississippi until the time you left to come to the territory? A Yes, sir.
- Q Your brother and sister are full blood? A Yes, sir.
- Q Do you speak the Choctaw language? A Yes, sir.
- Q You don't speak very much English? A Yes, sir.
- Q Do you make your claim today partly under the supplemental treaty that has been made between the United States government and the Choctaw Indians ratified on September 25, 1902? A Yes, sir.
- Q Is it your purpose in now coming from Mississippi to the Choctaw Nation to settle in the Choctaw Nation and avail yourself of the right that you have as a Choctaw Indian not only under article fourteen of the treaty of 1830 but under any and all treaties made between the United States government and the Choctaw Indians and particularly under the supplemental treaty dated September 25, 1902? A Yes, sir.
- Q Do you propose to go from here to Roff, Indian Territory, Chickasaw Nation and there make your permanent residence? A Yes, sir.

This applicant is a full blood Choctaw Indian, he has all the characteristics of one and there is no question about his being a full blood Choctaw Indian. The application is made at this timetogether with the application of his father John Henry and his brother Wallace Henry;his sister Beauty Henry is already in the Indian Territory her application has already been made by her husband Oscar Billy, who is not before the Commission as

7197-4

intrepreter. This applicant knows nothing of a compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830, in fact like most full blood Choctaw Indians he had very little knowledge of his ancestors, or whether or not they complied with the provisions of article fourteen of the treaty of 1830. But there is no question about his being a full blood Choctaw Indian and he comes before the Commission at this time to claim his right as a Mississippi Choctaw Indian, partly under the supplemental treaty made between the United States Government and the Choctaw tribe of Indians.

---o---

Chas. Diffendaffer, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause taken at Muskogee, Indian Territory, March 21, 1903, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

*Chas. Diffendaffer*

Subscribed and sworn to before me this 7<sup>th</sup> day of May 1903.

*Charles H. Sawyer*

Notary Public.

59

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---0---

In the matter of the application of Frank Henry, for  
identification as a Mississippi Choctaw, M. C. R. 7197.

---0---

--: D E C I S I O N :--

It appears from the record herein that application for  
identification as a Mississippi Choctaw was made to this Commission  
on March 21, 1903, by Frank Henry, for himself, under the following  
provision of the Act of Congress approved June 28, 1898 (30 Stats.,  
495):

"Said Commission shall have authority to determine  
the identity of Choctaw Indians claiming rights in the  
Choctaw lands under article fourteen of the treaty be-  
tween the United States and the Choctaw Nation, con-  
cluded September twenty-seventh, eighteen hundred and  
thirty, and to that end may administer oaths, examine  
witnesses and perform all other acts necessary thereto  
and make report to the Secretary of the Interior."

From the evidence submitted in support of said application  
it appears that the applicant herein is a full blood Mississippi  
Choctaw Indian.

Section forty-one of the Act of Congress, entitled  
"An Act to ratify and confirm an agreement with the Choctaw and  
Chickasaw tribes of Indians, and for other purposes," approved  
July 1, 1902 (32 Stats., 641), and ratified by the Choctaw

and Chickasaw Nations September 25, 1902, provides as follows:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that Frank Henry should be identified as a Mississippi Choctaw, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Chairman.

  
Commissioner.

  
Commissioner.

  
Commissioner.

Muskogee, Indian Territory,  
JUL 11 1903

COPY.

M.C.R. 7197

Muskegee, Indian Territory, July 11, 1903.

Frank Henry,

Roff, Indian Territory.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered July 11, 1903, identifying you as a Mississippi Choctaw Indian and under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before January 11, 1904, you will have six months from that date or until July 11, 1904, within which to make proof of such removal and settlement at the office of the commission at Atoka, Choctaw Nation or Tishomingo, Chickasaw Nation.

Respectfully,

(SIGNED)

*T. B. Needles.*

Commissioner in Charge.

Registered.

Enc. 7197

COPY.

M.C.R. 7197

Muskogee, Indian Territory, July 11, 1903.

Mansfield, McMurray & Cornish,  
Attorneys for the Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered July 11, 1903, identifying Frank Henry as a Mississippi Choctaw Indian under the provisions of the forty-first section of the act of Congress approved July 1, 1902, (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof, in which to file with this commission such protest as you desire to make against the action of the Commission in identifying the said Frank Henry as a Mississippi Choctaw and make satisfactory proof of service of said protest upon the applicant herein.

If you fail to file such protest within the time allowed, the name of the applicant herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

(SIGNED)

*I. B. Needles.*

Commissioner in Charge.

Registered.

Enc. 7197

7197

He A

MEMORANDUM  
FOR THE RECORD

MAR 22 1960

*[Signature]*

100-100000

CHAIRMAN



The State of Mississippi } By Virtue of A License

From the Clerk of the Circuit Court

of said County of Lauderdale I have this day celebrated the  
Rites of Matrimony between Mr. Frank Henry  
and Miss Leona McMillan

Given under my hand this the seventeenth day of March A.D. 1903.

Richard Wallace (Tol.)

DUPLICATE No. 7197

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 21 1903

Name Frank Henry.

Age 20

Blood

full.

Post Office, Roff, L. I.

Father: John Henry, l. full

Mother: Mary " d. full.

Claims through

both parents

Wife, Leona Henry, l. full.

f. Wallace McMillan l. full

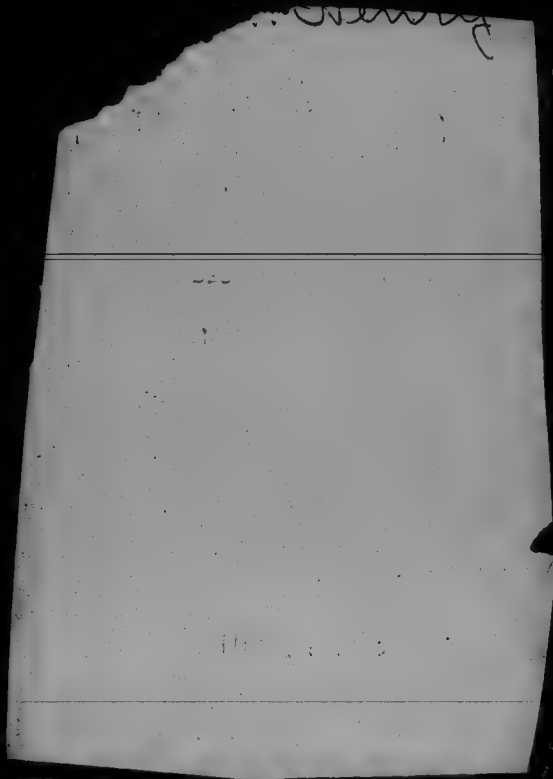
m. ——— (d) "

~~Original~~

Claims for  
self

See application  
for wife, made in  
me R. 4196. by  
Wallace McMillan,  
her father

Stenographer Chas. D. Goff and of far



Choctaw MCR 7198

Fannie Harrison

See MCR 7312, 7315, 7316

MCR 7198

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

--0--

In the matter of the application of Fannie Harrison, et al., for identification as Mississippi Choctaws, consolidating the applications of:

Fannie Harrison, et al.,	M.C.R. 7198
Riley Herron, et al.,	M.C.R. 7316
Davis Herron, et al.,	M.C.R. 7316
Louisa Terrell, et al.,	M.C.R. 7312.

List of papers forwarded to the Secretary of the Interior comprising the record in the above consolidated case.

	(Page)
Original application of Fannie Harrison, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Original application of Riley Herron, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	6
Original application of Davis Herron, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	10
Original application of Louisa Terrell, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	14
Decision of the Commission refusing the applications in the consolidated case of Fannie Harrison, et al., for identification as Mississippi Choctaws-----	17

-----0-----

Department of the Interior  
Commission to the Five Civilized Tribes  
Muskogee, I.T. March 21, 1903.

---o---

In the matter of the application of Fannie Harrison for the identification of herself and her minor grandchild, Lenny Gholstin, as Mississippi Choctaws.

A. S. McRea attorney.

Fannie Harrison being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A Fannie Harrison.  
Q What is your age? A Seventy.  
Q Do you claim for yourself and this child? A Yes, sir.  
Q What is your post office address? A Chatfield, Texas.  
Q How long have you lived there? A Been there about fifty years.  
Q Where were you born? A Mississippi.  
Q Where in Mississippi? A Along the line of Chickasaw and Choctaw.  
Q Did you live there until you went to Texas? A Yes, sir.  
Q Is your father living? A No, sir.  
Q Is your mother living? A Dead.  
Q What was your father's name? A Jim McCrary.  
Q What was your mother's name? A Peggy Pushmilaha.  
Q Did she marry Jim McCrary? A I suppose not he was a white man.  
Q Do you claim through your father or mother? A My mother.  
Q Do you claim through Peggy? A Yes, sir.  
Q How much Choctaw blood do you claim? A One-fourth.  
Q Do you claim your mother was one-half? A Yes, sir.  
Q Has she been recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or the authorities of the United States in Indian Territory? A No, sir.  
Q Are you married? A Yes, sir.  
Q What is your husband's name? A James Harrison.  
Q Is he living? A Yes, sir.  
Q What is his race negro and white? A He is Indian I don't know what tribe.  
Q Negro and Indian? A Yes, sir.  
Q Was your father Jim McCrary a slave? A No, sir.  
Q Was Peggy a slave? A No, sir she was never a slave - I wasn't born, just forced.  
Q Were you a slave? A Yes, sir, forced into slavery.  
Q How forced? A Carried away.  
Q Have you any minor children that you want to make application for? A Grandchild.  
Q You have no children under age have you? A No, sir.  
Q What is the name of your grandchild? A Lenny Gholstin.  
Q How old is Lenny? A Thirteen years old.  
Q What is the name of the father of Lenny? A Henry Gholstin.

- Q Is he white, Indian or negro? A Negro.  
 Q Where is he do you know? A I don't know.  
 Q Is he living? A I don't know.  
 Q Has he abandoned the child? A Yes, sir.  
 Q What is the name of the mother of this boy? A Frances.  
 Q Is she living? A No, sir.  
 Q What is her race? A Negro and Indian.  
 Q How much Indian? A One-eighth.  
 Q Was she your daughter? A Yes, sir.  
 Q And she claimed her Choctaw blood through you? A Yes, sir.  
 Q Your grandson claims through you and his mother? A Yes, sir.  
 Q But none through his father? A No, sir.  
 Q How long have you had custody of this child? A Twelve years.  
 Q Do you know whether the mother of this child has ever been recognized or enrolled as a member of the Choctaw tribe by any authority up to the present time? A No, sir.  
 Q Does the child live with you? A Yes, sir.  
 Q You support him? A Yes, sir.  
 Q You make this application for him now in order to protect his right as a Mississippi Choctaw? A Yes, sir.  
 Q Is your name with the name of this grandchild on any tribal roll of the Choctaw Nation in Indian Territory? A I don't know.  
 Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities or the Dawes Commission under the act of congress of June 10, 1896? A No, sir.  
 Q Have you ever been admitted with your grandchild to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No, sir.  
 Q Do you come before the Commission now to be identified as a Mississippi Choctaw? A Yes, sir.  
 Q Do you claim under article fourteen of the treaty of 1830? A Yes, sir.  
 Q Do you understand that article? A No, sir.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September. The object of the treaty was to remove all the Choctaw Indians from the old Nation east of the Mississippi River to the Choctaw Nation Indian Territory. Before this treaty was signed it became known that a great many Choctaw Indians would not go to the Choctaw Nation Indian Territory and to protect the interest of those Indians who stayed back in the old Choctaw Nation article fourteen was drafted and put into the treaty. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be un-

der ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q That is article fourteen under which you are claiming: do you know if any of your Choctaw ancestors complied or attempted to comply with that article or not? A No, sir.
- Q What is the name of your ancestor through whom you claim now? A Peggy Pushmilaha.
- Q Was that your mother? A Yes, sir.
- Q That was her maiden name was it? A Yes, sir.
- Q Did she marry Jim McCrary? A I can't tell you that.
- Q Where did she get that name Pushmilaha? A Her father.
- Q Was his name Pushmilaha? A Yes, sir.
- Q Do you know about him? A No, sir I never saw him.
- Q Then Peggy Ma Pushmilaha's father's name was Pushmilaha? A Yes, sir.
- Q Was he a full blood Choctaw Indian? A Yes, sir.
- Q How do you know? A Mamma told me.
- Q Did he live in Mississippi? A Yes, sir.
- Q Did she live there? A Yes, sir.
- Q Was she born there? A I don't know.
- Q How did she happen to become a slave, did you say? A Was stolen.
- Q Where did she live in Mississippi? A Right on the line Choctaw and Chickasaw some wheres along there.
- Q You are seventy now are you now? A Yes, sir.
- Q How old would your mother be if living now? A one hundred and ten.
- Q Did she always live in Mississippi? A So far as I know until she come to Texas.
- Q Did she go to Texas? A Yes, sir, she came to Lampasas when she died.
- Q How long did she live in Texas if you know? A I don't know.
- Q Did she go to Texas after or before the war? A Since the war.
- Q Did she live in Mississippi in 1830 and have a family there then seventy-two years ago? A Yes, sir.
- Q You know that do you? A Yes, sir.
- Q Did you have any elder brother or sister? A Yes, sir.
- Q Much elder? A Yes, sir.
- Q How much? A I couldn't tell you.
- Q And born in Mississippi? A Yes, sir so far as I know.
- Q Did your mother Pushmilaha go before Colonel Ward the United States Indian agent, at his agency, within six months after the ratification of the treaty of 1830 and tell him she wanted to take land there and become a citizen of the states? A No, sir she didn't.
- Q Did any of your Choctaw ancestors live on land for five years and at the end of that time get a patent for that land? A I don't know.



- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi River to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A I don't know.
- Q Or at any time between the years 1833 and 1838 with the other Indians at the expense of the government? A I don't know.
- Q Did any of your Choctaw ancestors own any improvement on land in the old Choctaw Nation in 1830? A No, sir not that I know of.
- Q Your mother went from Mississippi to Texas and died there? A Yes, sir.
- Q Did any Choctaw ancestor go before either the Commission of 1837 or 1842 and claim any benefits under article fourteen of the treaty of 1830? A I don't know.

Q These commissions were appointed under various acts of Congress because of the complaints made by Choctaw Indians that they had registered or attempted to register under article fourteen, but because Colonel Ward would not allow them to register their land had been taken from them and sold by the government at its public land sales.

- Q Did your mother or any of your Choctaw ancestors receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A I don't know.

This scrip was issued under the act of Congress approved August 23, 1842 and was issued to Choctaw Indians who proved their rights under article fourteen and also proved that their land had been taken from them and sold by the government at its public land sales.

- Q Do you understand or speak the Choctaw language? A No, sir.
- Q Have you any white blood? A Yes, sir my father was a white man.
- Q You claim mixed white, negro and Indian? A Yes, sir.

Thirty days time will be allowed this applicant from this date in which to introduce other proof in this case.

- Q What was the color of your hair? A Darkish red.

This applicant has gray hair which she claims was formerly dark red, her eyes are dark, complexion rather that of a white person than any other, there are evidences of negro and maybe some other blood. She knows nothing of the Choctaw language and has no knowledge of a compliance on the part of any of her ancestors with any of the provisions of the treaty of 1830. Her mother was a slave and she was; she claims they were both stolen.

---0---

Chas. Diffendaffer, being first duly sworn states that as

7198-6

stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause taken at Muskogee, Indian Territory, March 21, 1903, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

*Chas. Wiffendaffer*

Subscribed and sworn to before me this 7<sup>th</sup> day of May 1903.

*Charles H. Sawyer*

Notary Public.

COPY.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

--0--

In the matter of the application of Fannie Harrison,  
et al., for identification as Mississippi Choctaws, consolidating  
the applications of:

Fannie Harrison, et al.,	M.C.R. 7198
Riley Herren, et al.,	M.C.R. 7318
Davis Herren, et al.,	M.C.R. 7316
Louisa Terrell, et al.,	M.C.R. 7312

---: D E C I S I O N :---

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by Fannie Harrison for herself and her minor grand-child, Lenny Choletin; by Riley Herren for himself and his four minor children, Lissie, Ada, Della and T. V. Herren; by Davis Herren for himself and his two minor children, A. S. and Odessa Herren; and by Louisa Terrell for herself and her minor child, Clarence Montgomery, under the following provision of the act of Congress approved June 28, 1898 (30 Stat., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United

States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Pushmilaha, who is alleged to have been a full blood Choctaw Indian.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It is found that the name Pushmitaha appears on page 4, Volume VII, American State Papers, Public Lands, in a letter addressed by the Indian Office to G. W. Martin, but it does not appear from the evidence submitted by the applicants herein that the Pushmilaha, through whom these applicants claim, is the identical Pushmitaha whose name appears in the record above cited.

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were

-3-

claimants thereunder, that the said Pushmalaha, through whom these applicants claim, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Fannie Harrison, Lonny Gholstin, Riley Herron, Lizzie Herron, Ada Herron, Della Herron, T. V. Herren, Davis Herron, A. G. Herron, Odessa Herron, Louisa Terrell and Clarence Montgomery, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED).

*James Dixby.*

Chairman.

(SIGNED).

*T. B. Needles.*

COMMISSIONER.

(SIGNED).

*C. R. Breckinridge.*

COMMISSIONER.

(SIGNED).

*W. E. Stanley.*

COMMISSIONER.

Muskogee, Indian Territory,

OCT 24 1903

M.C.R. 7198

COPY.

Muskogee, Indian Territory, October 24, 1903.

Fannie Harrison,

Chatfield, Texas,

Dear Madam:

You are hereby advised that on the 24th day of October, 1903, the Commission to the Five Civilized Tribes, rendered a decision in the consolidated case of Fannie Harrison, et al., embracing the following applications for identification as Mississippi

Cheetaws:

Fannie Harrison, et al.,	M.C.R. 7198
Riley Herren, et al.,	M.C.R. 7315
Davis Herren, et al.,	M.C.R. 7316
Louisa Terrell, et al.,	M.C.R. 7318

These applications were made under the provision of the act of Congress of June 26, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Cheetaw Indians claiming rights in the Cheetaw lands under article fourteen of the treaty between the United States and the Cheetaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Fannie Harrison, Lenny Ghelstin, Riley Herren, Lissie Herren,

P. H. - 2

Ada Herren, Della Herren, T. V. Herren, Davis Herren, A. G. Herren, Cassa Herren, Louisa Terrell and Clarence Montgomery, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(RECEIVED)

*T. B. Needles.*

Commissioner in Charge.

Registered.



Muskogee, Indian Territory, October 24, 1903.

A. S. McRae,

Attorney at Law,

Muskogee, Indian Territory,

Dear Sir:

You are hereby advised that on the 24th day of October, 1903, the Commission to the Five Civilized Tribes, rendered a decision in the consolidated case of Fannie Harrison, et al., embracing the following applications for identification as Mississippi Choctaws:

Fannie Harrison, et al.,	M.C.R. 7198
Riley Herron, et al.,	M.C.R. 7315
Davis Herron, et al.,	M.C.R. 7316
Louisa Terrell, et al.,	M.C.R. 7312

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Fannie Harrison, Lenny Chelstin, Riley Herron, Linnie Herron,



A. S. McR. - 2

Ada Herron, Della Herron, T. V. Herron, Davis Herron, A. G. Herron, Odessa Herron, Louisa Terrell and Clarence Montgomery, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

T. B. Needles.  
Commissioner in Charge.

Registered.

00076

Muskogee, Indian Territory, October 24, 1903.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby advised that on the 24th day of October, 1903, the Commission to the Five Civilized Tribes, rendered a decision in the consolidated case of Fannie Harrison, et al., embracing the following applications for identification as Mississippi

Choctaws:

Fannie Harrison, et al.,	M.C.R. 7198
Riley Herron, et al.,	M.C.R. 7318
Davis Herron, et al.,	M.C.R. 7316
Louisa Terrell, et al.,	M.C.R. 7312

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Fannie Harrison, Lenny Gholstin, Riley Herron, Lizzie Herron, Ada Herron, Della Herron, T. V. Herron, Davis Herron, A. G. Herron, Odessa Herron, Louisa Terrell and Clarence Montgomery, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within

M MoM A C - 2

which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such argument will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*T. B. Needles.*

Commissioner in Charge.

COPY:

Muskogee, Indian Territory, November 9, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Fannie Harrison, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 24, 1903.

The above consolidated case embraces the following original applications heard by the Commission:

Fannie Harrison, et al.,	M. C. R. 7198,
Riley Herron, et al.,	M. C. R. 7315,
Davis Herron, et al.,	M. C. R. 7316,
Louisa Terrell, et al.,	M. C. R. 7312.

The Commission has the honor to report that the principal applicants in the several separate applications, their attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

*T. B. Needles.*

Commissioner in Charge.

Through the  
Commissioner of Indian Affairs.

2 Enc., M.C.R. 7198.

M C R 7198 ✓  
M C R 7316

Muskogee, Indian Territory, November 11, 1903.

Davis Herron,  
Italy, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 4th instant, in which you ask that you and your mother be allowed 30 days additional time in which to present further evidence in support of your claim for identification as Mississippi Choctaws.

In reply you are informed that it appears from our records that on October 24, 1903, the Commission rendered its decision refusing the several applicants included in the consolidated Mississippi Choctaw case of Fannie Harrison, et al., of which your application is a part, and on the same date you were notified that you would be allowed fifteen days from the date of said decision to file argument in support of your claim to be forwarded to the Secretary of the Interior.

The fifteen days from October 24, 1903, heretofore allowed you, expired on November 8, 1903. On November 9, 1903, the record in said consolidated case, together with the decision of the Commission refusing the several applicants, was forwarded to the Secretary of the Interior. You will be notified of such action as may be taken by him.

D H 2

The fifteen days allowed applicants in Mississippi Choctaw cases within which to file argument in support of their claims to be forwarded to the Secretary of the Interior are granted under specific departmental instructions and cannot be extended.

Respectfully,

Chairman.

(COPY)

Land.

73,502-1903.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, March 1, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

Permit me to invite your attention to the record of the Commission to the Five Civilized Tribes in the matter of the application of Fannie Harrison for the identification of herself and her minor grandchild, Lonny Gholstin; by Riley Herron for himself and his four minor children, Lizzie, Ada, Della and T. V. Herron; by Davis Herron for himself and his two minor children, A. G. and Odessa Herron, and by Louisa Terrell for herself and her minor child, Clarence Montgomery, as Mississippi Choctaws, wherein a decision rejecting the applicants was rendered by the commission on October 24, 1903.

The record in this case shows that the applicants base their claims to a right to identification on their descent from Pushmilaha who is alleged to have been a full blood Choctaw Indian. It is alleged that Pushmilaha was a resident of Mississippi in 1830, and that his daughter, Peggy Pushmilaha, the immediate ancestor of the applicants, is claimed to have been born there, but as to whether he complied with the provisions of the 14th article of the Choctaw treaty, the applicants are

unable to state.

The Commission rejected the applicants because it appeared that none of them had ever been enrolled as citizens of the Choctaw Nation by any competent authority, and reference is made to the fact that the name of Pushmitaha appears on page 4, volume 7, American State papers, but that there is no evidence that Pushmilaha through whom the applicants claim, is identical with Pushmitaha whose name appears in the record. Neither do the records of the commission show that Pushmitaha was a beneficiary under the 14th article of the Choctaw treaty.

Pushmitaha was dead in 1830 and article 2 of the supplemental treaty provided that a quarter section of land should be set aside to his widow and to each child. This was done, and the land is described as the northwest quarter of section 24, township 16 north, range 1 west, lots in section 23, township 16 north, range 1 west, and south half of section 14, township 16 north, range 1 west, in Mississippi. The sale of this land by the widow was approved by the President of the United States.

Neither any person of the name of Pushmitaha or Pushmilaha was either an applicant or beneficiary under the provisions of the 14th article of the Choctaw treaty, and I am therefore of the opinion that the decision of the commission rejecting the applicants in this case was correct, and recommend that it be approved.

Very respectfully,  
A. C. Tonner,

(E.B.H.) P.

Acting Commissioner



(COPY)

D. C. No. 8556-1904.

W.C.F.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

I.T.D. 1784-1904.

FHE  
March 11, 1904.

L.R.S.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

November 9, 1903, you transmitted the record in the consolidated case embracing the applications for identification as Mississippi Choctaws of Fannie Harrison, for herself and her minor grand-child, Lonny Gholstin; of Riley Herron for himself and his four minor children, Lizzie, Ada, Della and T. V. Herron; of Davis Herron for himself and his two minor children, A. G., and Odessa Herron; and of Louisa Terrell for herself and her minor child, Clarence Montgomery, including your decision of October 24, 1903, refusing to identify them as such.

The applicants base their claim to a right to identification as Mississippi Choctaw Indians on their descent from Pushmilaha, who is alleged to have been a Choctaw Indian and a resident of Mississippi in 1830.

The evidence furnished by the record, as well as the evidence contained in the records of the Indian Office, fails to show that said ancestor ever complied or attempted to comply with

the provisions of article 14 of the Choctaw treaty of 1830, or with the subsequent acts of Congress relating thereto.

Reporting in the matter March 1, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision rejecting the applicants is hereby affirmed.

Respectfully,

Thos Ryan,  
Acting Secretary.

---

1 inclosure.

M.C.R. 7198.

COPY.

Muskogee, Indian Territory, April 7, 1904.

Fannie Harrison,  
Chatfield, Texas,

Dear Madam:

You are hereby notified that on March 11, 1904 the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Fannie Harrison et al., of which decision you were advised by registered mail on the 24th day of October, 1903.

Respectfully,

(SIGNED)

*E. B. Medles.*

Commissioner in Charge.

M.C.R. 7312.

COPY:

Muskogee, Indian Territory, April 7, 1904.

Louisa Terrell,

Ennis, Texas,

Dear Madam:

You are hereby notified that on March 11, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Fannie Harrison et al., of which decision you were advised by registered mail on the 24th day of October 1903.

Respectfully,

(SIGNED)

*T. B. Needles.*

Commissioner in Charge.

M.C.R. 7316.

COPY:

Muskogee, Indian Territory, April 7, 1904.

Davis Herron,  
Italy, Texas,

Dear Sir:

You are hereby notified that on March 11, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Fannie Harrison et al., of which decision you were advised by registered mail on the 24th day of October, 1903.

Respectfully,

(SIGNED)

*I. D. Needles.*

Commissioner in Charge.

M.C.R. 7318.

Muskogee, Indian Territory, April 7, 1904.

Riley Herron,  
Ennis, Texas,

Dear Sir:

You are hereby notified that on March 11, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Fannie Harrison et al., of which decision you were advised by registered mail October 24, 1903.

Respectfully,

Commissioner in Charge.

M.C.R.7198

COPY:

Muskogee, Indian Territory, April 7, 1904.

A. S. McRae,

Attorney-at-Law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on the 11th day of March, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Fannie Harrison, et al., of which decision you were advised by registered mail on the 24th day of October, 1903.

Respectfully,

(SIGNED)

*T. B. Needles.*

Commissioner in Charge.

N.C.R. 7198.

COPY.

Muskogee, Indian Territory, April 7, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby notified that on March 11, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Fannie Harrison, et al., of which decision you were advised by mail on the 24th day of October, 1903.

Respectfully,

(SIGNED)

*T. B. Needles.*

Commissioner in Charge.



REFER TO M. C. R.

7198

*Fannie Harrison - et al*

Pushmilaha-D-full.

Peggy Pushmilaha-D-1/2

Jim Mc Crary-D-W.

7198

Fannie Harrison-70-1/4  
married

1st Caswell Herron-D.

2nd James Harrison-L-N.

7315

Riley Herron-43-1/8  
wife

Matilda Herron-L-N.

7315

Lizzie Herron 17

Ada " 15

Della " 13

J. V. " 11

7316

Davis Herron-37-  
Don't know  
wife

Octavia Herron-L-N.

7316

A. G. Herron 11

Odessa " 10

7312

Louisa Herron-33-1/8  
married

1st Wesley Montgomery-N.

2nd Bill Terrell-L-N.

7312

Clarence Montgomery 13

7198

Frances Gholstin-D-1/8  
married

Lomny Gholstin-N.

Lomny Gholstin 13

7198

No. 7198

## FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

MAR 21 1903

Date  
Name Fannie Harrison,

Age 70

Blood

1/4

Post Office, Chatfield, Tex.

Father:

~~John P. Harrison~~ d  
Jim McCreary (w)

Mother:

Peggy " — d

Claims through

mother  $\frac{1}{2}$ 

Husband

Jim Harrison, l. negro  
and Indian

grand

Children: +

Lonny Gholston, 13

f. Henry " neg. —

m. Frances " (d) neg &  
 $\frac{1}{8}$  Indian.Claims for self  
and grand child

Stenographer

Chas. A. [Signature]

Choctaw MCR 7199

Alonzo Mims

MCR 7199

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---o---

In the matter of the application of Alonse Mims, et al.,  
for identification as Mississippi Choctaws, M.C.R. 7199.

List of papers forwarded to the Secretary of the Interior  
comprising the record in the above case.

	(Page)
Original application of Alonse Mims, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Decision of the Commission refusing the ap- plication of Alonse Mims, et al., for iden- tification as Mississippi Choctaws-----	5

---o---

Department of the Interior  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. March 21, 1903.

---o---

In the matter of the application of Alonso Mims for the identification of himself, his wife, Arbella Mims, and his five minor children, Murphy, Fannie, Cassie, Ed and William Mims, as Mississippi Choctaws.

A. S. McRea attorney.

Alonso Mims being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A Alonso Mims.  
Q What is your age? A Forty-four.  
Q What is your post office address? A Catfield, Texas.  
Q How long have you lived in Texas? A Thirteen years.  
Q Where did you live before that? A Alabama.  
Q Where were you born? A Born in Mississippi.  
Q Where? A Choctaw county.  
Q And you went from there to Alabama? A Yes, sir.  
Q Lived where in Alabama? A Near Montgomery.  
Q Is your father living? A I don't know.  
Q Is your mother living now? A No, sir.  
Q What is your father's name? A Whit Prethro.  
Q What was your mother's name? Viana.  
Q Viana Prethro? A No, sir Viana Mims.  
Q Through which parent do you claim Choctaw blood? A Through my mother?  
Q How much do you claim? A One-fourth.  
Q Was your mother one-half? A Yes, sir.  
Q Has she been recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No, sir.  
Q Was your father a slave? A No, sir white man.  
Q Was your mother a slave? A No, sir.  
Q Do you know whether your mother was a slave or not? A This is all I knew about it, I only got my grandmother's word for it.  
Q Did you ever hear? A I have heard she was one-half Indian.  
Q Were you a slave? A Yes, sir, I reckon so.  
Q What makes you reckon that? A My grandmother come from Alabama during the war and brought me with her? X  
Q Was your mother's mother also a slave and you were can't you tell me whether she was? A If she was a slave I told you I don't know what she was, she was claimed to be one-half Indian.  
Q Has your mother ever been recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States in Indian Territory? A Not as I know of.  
Q Is your wife living? A Yes, sir.

- Q What is her name? A Arbella Mims.  
 Q Is she living? A Yes, sir.  
 Q What is her blood? A I don't know my wife's - one-eighth Indian Choctaw and I forget.  
 Q Do you make any claim for your wife? A No, sir.  
 Q You don't make any claim for your wife? A No, sir.  
 Q You say she is one-eighth Choctaw why don't you make claim for her? A Well I will if I can.  
 Q What is your wife's name? Arbella.  
 Q What is her father's name? A Gas Herron.  
 Q Is he dead? A Yes, sir.  
 Q What is his blood? A African I reckon.  
 Q And the mother's name? A Fannie Herron.  
 Q Has she made application? A Yes, sir.  
 Q Fannie Herron the mother of your wife Arbella Mims has made application to be identified as a Mississippi Choctaw has she not? A Yes, sir.  
 Q How much Choctaw blood do you claim for your wife? A One-eighth I reckon.  
 Q Now give the names of your children? A Murphy Mims.  
 Q How many children have you? A Five.  
 Q How old is Murphy? A Nine.  
 Q How the next? A Fannie.  
 Q How old? A Seven.  
 Q The next? A Cassie.  
 Q Boy or girl? A Boy, five.  
 Q The next? A Ed, three.  
 Q The next? A William.  
 Q How old? A One.  
 Q Is that all? A Yes, sir.  
 Q Have you the proof of your marriage with your wife Arbella Mims? A No, sir.  
 Q When were you married to her? A In 1894.  
 Q Where? A In state of Texas.  
 Q By a minister under a license? A By a notary public.  
 Q Do you remember the day of the month? A 21st March.  
 Q Is your name or the names of your wife or any of your children on any tribal roll of the Choctaw Nation in Indian Territory? A No, sir.  
 Q Have you ever made application for citizenship in the Choctaw Nation for your wife or children to the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No, sir.  
 Q You never made application under the act of Congress of June 10, 1896? A No, sir.  
 Q Have you ever been admitted to citizenship in the Choctaw Nation by any of these authorities mentioned? A No, sir.  
 Q This is the first application for yourself, wife and children? A Yes, sir.  
 Q Do you claim under article fourteen? A Yes, sir.  
 Q Do you understand it? A No, sir.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September of that

year. The object of this treaty was to get the consent of the Indians to go from the old Choctaw Nation east of the Mississippi River to the Choctaw Nation Indian Territory. Before the treaty was signed it became known that a good many would not go there and for their benefit article fourteen was put into the treaty. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied with that article or tried to? A No, sir.
- Q Who do you claim to be your ancestor? A My mother.
- Q Do you go back any further than that? A Grandfather.
- Q Do you remember his name? A Yes, sir.
- Q What is his name? A Louis Mims.
- Q How much Choctaw blood did Louis Mims your grandfather have? A full blood.
- Q Was he your mother's father? A Yes, sir.
- Q How old would he be if living now? A Something over one hundred if living.
- Q Did he live in Mississippi and was he born there? A Born and dies there.
- Q Lived there always? A Yes, sir.
- Q Did he live there in 1830 and have a family there then? A I don't know.
- Q Did he live on land in the old Choctaw Nation in Mississippi for five years after the treaty was ratified and then get a patent from the government to the land? A I don't know.
- Q Did he go to the Indian agent, Colonel Ward, within six months after the treaty was ratified and attempt to register under article fourteen of that treaty? A I don't know.
- Q Did he go from that old Choctaw Nation east of the Mississippi River to the Choctaw Nation Indian Territory with the other Indians between the years 1833, 1838 or 1840? A I don't know.
- Q Did any of your Choctaw ancestors go from the old Choctaw Nation east of the Mississippi River to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A No, sir.



- Q Did any of your Choctaw ancestors own any land in the old Choctaw Nation in 1830? A No, sir.
- Q Did any of your Choctaw ancestors go before a Commission in 1837 which was appointed by an act of Congress approved March 3d of that year, or a Commission in 1842 appointed by an act approved August 23d of that year, and claim any right under article fourteen of the treaty of 1830? A No, sir.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A No, sir.

This scrip was issued under the act of Congress approved August 23, 1842.

- Q Do you understand or speak the Choctaw language? A No, sir.

This applicant will be allowed thirty days time from this date in which to introduce other proof in this case.

By attorney:

- Q Did your mother speak or understand the Choctaw language? A I don't know, my mother died when I was two years old, grandmother said she could.
- Q You never saw your grandfather Louis Mims? A No, sir, he was killed before I was born.

By Commission:

This applicant has the appearance of being descended from mixed ancestry, hair black and wavy, blood may be negre and either Indian and white or both. He has no knowledge of the Choctaw language and no knowledge of a compliance on the part of his ancestors with any of the provisions of the treaty of 1830.

-- 0--

Chas. Diffendaffer, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause taken at Muskogee, Indian Territory March 21, 1903, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

*Chas. Diffendaffer*

Subscribed and sworn to before me this 7th day of May 1903.

*Charles H. Sawyer*

Notary Public.

COPY.

659  
DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---@---

In the matter of the application of Alonse Mims, et al., for identification as Mississippi Choctaws, M.C.R. 7199.

---; D E C I S I O N :---

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Alonse Mims for himself, his wife, Arbella Mims, and his five minor children, Murphy, Fannie, Cassie, Ed and William Mims, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 498):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that the principal applicant herein claims rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being a descendant of Louis Mims, who is alleged to have been a full-blood

Choctaw Indian; that Arbella Mims claims said rights by reason of being a descendant of Fannie Herren, who is alleged to have been a Choctaw Indian, degree of blood not stated; and that the minor applicants herein applied for claim said rights by reason of being descendants of both the above named ancestors.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 ( 29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Louis Mims, or Fannie Herren, or an ancestor less remote signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alenae Mims, Arbella Mims, Murphy Mims, Fannie Mims, Cassie Mims, Ed Mims

and William Mims, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Jams Bixby.

Chairman.

(SIGNED)

T. B. Needles.

COMMISSIONER.

(SIGNED)

C. R. Breckinridge.

COMMISSIONER.

(SIGNED)

W. E. Stanley.

COMMISSIONER.

Muskogee, Indian Territory,

AUG 7 1903

M.C.R. 7199.

COPY.

Muskogee, Indian Territory, August 7, 1903.

Alonso Mims,  
Chatfield, Texas.

Dear Sir:-

You are hereby advised that on the 7th day of August 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Alonso Mims, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 ( 30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alonso Mims, Arbedla Mims, Murphy Mims, Fannie Mims, Cassie Mims, Ed Mims and William Mims, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

A. M. S.

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*T. B. Needles.*

Commissioner in Charge.

Registered.

COPY:

M.C.R. 7199.

Muskogee, Indian Territory, August 7, 1903.

Mansfield McMurray & Cornish,  
Attorneys for the Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:-

You are hereby advised that on the 7th day of August 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Alonzo Mims, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495):

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alonzo Mims, Arbella Mims, Murphy Mims, Fannie Mims, Cassie Mims, Ed Mims and William Mims, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*T. B. Needles*  
Commissioner in Charge.



M.C.R. 7199.

COPY.

Muskogee, Indian Territory, August 7, 1903.

A. S. McRae,  
Attorney at Law,  
Muskogee, Indian Territory.

Dear sir:-

You are hereby advised that on the 7th day of August 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Alonzo Mims, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alonzo Mims, Arbella Mims, Murphy Mims, Fannie Mims, Cassie Mims, Ed Mims and William Mims, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."



A. S. M. 2.

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*I. B. Needles.*

Commissioner in Charge.

Registered.

COPY.

Washoe, Indian Territory, August 24, 1903.

The Honorable,

The Secretary of the Interior,

Sir:

There is transmitted herewith record in the case of Alonso Miss, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of August 7, 1903.

The Commission has the honor to report that the principal applicant herein, his attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED)

*T. E. Needles.*

COMMISSIONER in charge

Through the Commissioner of Indian Affairs.  
2 Enc. M.C.R. 7199.

COPY.

DEPARTMENT OF THE INTERIOR,  
Office Of Indian Affairs,

Land.  
55,277-1903.

Washington. Oct. 31, 1903.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to submit for Department action, the records of the Commission to the Five Civilized Tribes, in the matter of the application of Alonzo Mims for the identification of himself and his wife, Arbella Mims, and his five minor children, Murphy, Sam, Cassie, Ed and William Mims, wherein a decision rejecting them was entered by the commission on August 7, 1903.

The record in this case shows that the applicant in chief does not apply for his wife, but she has been joined as a party applicant by the commission so that a decision relative to her rights could be rendered in this case.

The testimony shows that all <sup>of</sup> the applicants, except Arbella Mims, base their claims to a right to identification on their descent from Louis Mims who is alleged to have been a citizen of the Choctaw Nation and a resident of the nation, in Mississippi, in 1830, but as to his compliance or attempt at compliance with the provisions of the 14th article of the Choctaw treaty, the witness is unable to

testify.

No testimony was elicited with reference to the ancestry of Arbella Mims, except as to the name of her mother, Fannie Herron, who is now alive and is an applicant for identification as a Mississippi Choctaw.

The commission rejected the applicants for the reason that their ancestors, whose names have been given, do not appear from an examination of the records of the commission, to have either complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

An examination of the records of this office shows that Louis Mims was not one of these Choctaws who was a beneficiary under the 14th article of the Choctaw treaty of 1830 or the subsequent legislation relative thereto, and while it is true that Fannie Herron is not of such age as to have been in existence at the time, her name does not appear as a beneficiary under that article.

I therefore recommend that the decision of the commission be approved.

Very respectfully,

(E.B.H.)P.

W.A. Jones,  
Commissioner.

COPY.

DEPARTMENT OF THE INTERIOR. FHE.

WASHINGTON

November 12, 1903.

D.C. 31708  
I.T.D. 7846-1903.  
L.R.S.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

August 24, 1903, you transmitted the record in the case involving the application for identification as Mississippi Choctaws of Alonzo Mims (M.C.R.7199), for himself, his wife, Arbella Mims, and his five minor children, Murphy, Fannie, Cassie, Ed and William Mims, including your decision of August 7, 1903, denying said application.

It seems that Alonzo Mims was born in 1859, in Choctaw County, Mississippi. He obtained his Indian blood from his mother, Viana Mims. She was the daughter of a full blood Choctaw named Louis Mims, who was born in Mississippi about 1800.

Arbella Mims, wife of the principal applicant, is an eighth blood Choctaw. She obtained her Choctaw blood from her mother, Fannie Herren. It does not appear that any effort was made to obtain information relative to the more remote ancestors of this applicant.

The other applicants in the case are the children of Alonzo and Arbella Mims.

It does not appear from the testimony presented by the applicants, or from the records of the government, that they or any of their ancestors ever complied or attempted to comply, in any way, with the provisions of article 14 of the treaty of September 27, 1830, or with the subsequent acts relating thereto.

Under date of October 31, 1903, the Commission<sup>er</sup> of Indian Affairs recommended that your action be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

M.C.R. 7199.

Muskogee, Indian Territory, November 20, 1903.

Mansfield, <sup>a</sup>McMurry & Cornish,

Attorneys for the Choctaw & Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 12th day of November 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Alonzo Sims et al., of which decision you were advised by mail on the 7th day of August 1903.

Respectfully,

Chairman.

H. C. R. 7199.

Muskogee, Indian Territory, November 20, 1903.

A. S. McRae,

Attorney-at-Law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on the 12th day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the case of Alonzo Mims et al., of which decision you were advised by registered mail on the 7th day of August, 1903.

Respectfully,

Chairman.



M.C. R. 7199. 1

Muskegee, Indian Territory, November 20, 1903.

Alonso Mims,

Chatfield, Texas,

Dear Sir:

You are hereby notified that on the 12th day of November 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Alonso Mims et al., of which decision you were advised by registered mail on the 7th day of August 1903.

Respectfully,

199

1199

MISSISSIPPI CHOCTAW.

Date

MAR 21 1903

Name Alonzo Mims.

Age 44

Blood 1/4

Post Office, Chatfield, Tex

Father: Whit Prothro, w "

Mother: Viana Mims d

Claims through mother: 1/2

Wife.Arbella Mims, 1/8  
neg & choe.

No claims for wife

Children: f. Zula Cas. Heron, 8, neg

m " Fannie 6, "

Harrison L. 1, claims  
choe.Claims for self, wife  
and following  
children.

Murphy Mims, 9

Fannie " 7

Cassie " 11. 5

Ed " 3

William " 2

Stenographer Charles J. J. J. J.

Alonzo Mims

FOR THE CHICKASAW NATION

FOR THE CHICKASAW NATION

AND CHICKASAW NATIONS.

NOV 27 1893

Choctaw MCR 7200

Thomas W. Davis

MCR 7200

Department of the Interior  
Commission to the Five Civilized Tribes.  
Muskegee, I.T. March 21, 1903.

---0---

In the matter of the application of Thomas W. Davis for the identification of himself and his three minor children, Emma E., Weston M. and Warren W. Davis, as Mississippi Choctaws.

A. W. Jones attorney.

Thomas W. Davis being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A Thomas W. Davis.  
Q What is your age? A Forty-two.  
Q What is your post office address? A Durant, Mississippi.  
Q How long have you lived in Mississippi? A All my life.  
Q How long in Durant? A Ten years.  
Q Is your father living? A No, sir.  
Q Is your mother living? A Yes, sir.  
Q What was your father's name? A Isom Davis.  
Q What is your mother's name? A Edie.  
Q Do you claim through your father or mother? A Mother.  
Q How much Choctaw blood do you claim? A Three-sixteenths.  
Q How much was your mother? A Three-eighths.  
Q Has your mother been recognized as a member of the Choctaw tribe by the Choctaw tribal authorities in Indian Territory or the United States authorities in Indian Territory? A Not that I know of.  
Q Is your wife living? A Yes, sir.  
Q What is her name? A Emma L.  
Q What is her race? A I don't know - mixed negro and white.  
Q Do you make any claim for her? A I don't know.  
Q How many children have you? A Three.  
Q What is the name of the eldest? A Emma E. Davis.  
Q How old? A Eight years.  
Q The next? A Weston M. Davis.  
Q How old? A Six years old.  
Q The next? A Warren W.  
Q How old? A Four.  
Q Any others? A No, sir.  
Q You claim for yourself and three children? A Yes, sir.  
Q Is your wife Emma L. Davis the mother of these children? A Yes, sir.  
Q Have you the proof of your marriage to your wife? A No, sir.  
Q When were you married to her and where? A 1892 Greenville, South Carolina.  
Q You haven't that proof with you? A No, sir.  
Q Is your name with the names of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.  
Q Have you ever made application for citizenship in the Choctaw Nation either to the Choctaw tribal authorities in Indian Territory or to the Dawes Commission under the act of Congress of June 10, 1896? A No, sir.

- Q Have you been enrolled with you children as members of the Choctaw tribe of Indians either by the Choctaw tribal authorities the Commission to the Five civilized Tribes or the United States Authorities in Indian Territory? A No, sir.
- Q Do you know come before this Commission to be identified with your children as Mississippi Choctaws? A I do.
- Q Do you claim under article fourteen? A I do.
- Q Do you understand that article? A Not fully.
- Q Do you understand it well enough to claim under it? A Yes, sir.

Article fourteen is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply or attempt to comply with any of the provisions of that article? A Yes, sir.
- Q Who did? A Samuel and Polly McGee.
- Q How much Choctaw blood did Samuel McGee have? A One-half.
- Q How much did his wife Polly have? A Full blood.
- Q What relation was Samuel to you? A My great great grandfather.
- Q And was Polly your great great grandmother? A Yes, sir.
- Q Did they live in Mississippi in 1830? A Yes, sir.
- Q Did they go to Colonel Ward within six months after the treaty was ratified and register or attempt to register? A Yes, sir.
- Q Did they succeed? A They did not.
- Q Is this family history and tradition? A Yes, sir.
- Q What did they do after that if you know? A I don't know.
- Q Did they live on land in the old Choctaw Nation after the treaty of 1830 was ratified for five years and then get a patent from the government? A They did not.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi River to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A No, sir.
- Q Did they go with the other Indians between the years 1833 and 1838? A They did not.
- Q Did they own any improvement on land in the old Choctaw Nation in 1830? A No, sir.

- Q Did any of your Choctaw ancestors go before a commission in 1837 or a commission in 1842 and claim any benefit under article fourteen of the treaty of 1830? A They did not.

These commissions were appointed, one by an act of Congress approved March 3, 1837 and the other by an act approved August 23, 1842, to hear Choctaw Indians who claimed benefits under article fourteen because they had tried to register under Colonel Ward and had been refused by Colonel Ward and their lands had for that reason been taken from them and sold by the government.

- Q Did any of your Choctaw ancestors receive any scrip from the government? A Nit that I know of.

This scrip was issued under the act of Congress approved August 23, 1842 and was given to those Choctaw Indians who proved their right under article fourteen of the treaty of 1830 and also proved that their land had been taken from them and sold by the government at its public land sales.

- Q Do you understand or speak the Choctaw language? A No, sir.

Thirty days time will be allowed this applicant in which to introduce other proof in this case.

By attorney:

- Q You live in Mississippi? A I do.  
Q Always lived there? A Yes, sir.  
Q You know nothing about your ancestors complying with this article fourteen only by family history and tradition? A I do not.  
Q Your father can speak a little Choctaw? A Yes, sir.  
Q How you get this from who? A My mother.  
Q Can she talk in the Choctaw language? A Yes, sir.  
Q Right along? A Yes, sir.

By Commission:

This applicant has the appearance and physical characteristics of being descended from negro parentage, he has some other blood which the Commission is unable to determine whether white or Indian, he doesn't understand the Choctaw language and has no knowledge of a compliance on the part of his ancestors.

M.C.R. 6832 referred to for consolidation.

---o---

Chas. Diffendaffer, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause taken at

7200-4

Muskogee, Indian Territory March 21, 1903, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

*Chas. Diffendaffer*

Subscribed and sworn to before me this 5<sup>th</sup> day of May 1903.

*Charles H. Sawyer*

Notary Public.



M C R 7200

Muskogee, Indian Territory, April 22, 1903.

A. W. Jones,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 18th instant, enclosing marriage certificate between Rev. T. W. Davis and Miss Emma L. Harvey, offered in support of the application made by Thomas W. Davis for the identification of himself and minor children as Mississippi Choctaws. The same has been filed with the record in this case.

Respectfully,

Chairman

M.C.R. 7200

Muskogee, Indian Territory, August 14, 1905.

Thomas W. Davis,

Durant, Mississippi,

Dear Sir:

You are hereby notified that on the 3rd day of August, 1905, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes, refusing the applications for identifications as Mississippi Choctaws of the several persons included in the consolidated case of Samuel Nelson McGee et al., of which decision you were advised by registered mail on the 31st day of October, 1903.

Respectfully,

Acting Commissioner.

COPY,

M.C.R. 7200.

Muskogee, Indian Territory, October 31, 1903.

Thomas W. Davis,

Durant, Mississippi.

Dear Sir:

You are hereby advised that on the 31st day of October, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Samuel Nelson McGee, et al., embracing the following applications for identification as Mississippi Choctaws:

Samuel Nelson McGee,	M. C. R. 6809,
Robert McGee, et al.,	M. C. R. 7247,
Thomas McGee, et al.,	M. C. R. 7248,
George McGee, et al.,	M. C. R. 7249,
Truss McGee, et al.,	M. C. R. 7299,
John McGee, et al.,	M. C. R. 7300,
Effie D. Trest,	M. C. R. 6839,
Alfred H. Walker, et al.,	M. C. R. 6750,
Tom B. Walker, et al.,	M. C. R. 6751,
John T. Walker, et al.,	M. C. R. 6752,
James W. Walker, et al.,	M. C. R. 6753,
George Walker,	M. C. R. 6754,
Thomas W. Davis, et al.,	M. C. R. 7200,
John M. Davis, et al.,	M. C. R. 6832,
Nelson L. Lackey, et al.,	M. C. R. 6757,
John W. Davis, et al.,	M. C. R. 6833,
Isaac S. Watson, et al.,	M. C. R. 6762,
Margaret McPherson, et al.,	M. C. R. 6758,
James T. Strong, et al.,	M. C. R. 6759,
Benjamin Franklin Fulton,	M. C. R. 6835,
William A. Attaway,	M. C. R. 6760,
Edward P. Brown, et al.,	M. C. R. 6834,
James H. Moore, et al.,	M. C. R. 6761,
Willis Perry, et al.,	M. C. R. 6836,

T. W. D.--2.

Lee A. Edwards, et al.,  
Lou Hayden, et al.,

M. C. R. 6837,  
M. C. R. 6840.

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Samuel Nelson McGee, Robert McGee, Aaron McGee, Birdie McGee, Odell McGee, Ida McGee, Lena McGee, Georgie McGee, Thomas McGee, Minnie McGee, Walter McGee, Rhoda McGee, Rella McGee, Jim McGee, George McGee, Jesse McGee, Rosa McGee, Robert McGee (2), Maria McGee, Millie McGee, Truss McGee, Charlie McGee, Johnnie McGee, Carrie Lee McGee, Inez McGee, Josie McGee, John McGee, Donnie B. McGee, Thomas McGee, Daisy McGee, Effie D. Threet, Alfred H. Walker, Joe R. Walker, Alfred Hector Walker, Katie U. Walker, Alice L. Walker, Tom H. Walker, Mata L. Walker, John T. Walker, Tom B. Walker, Idella Walker, Josie Walker, Margie Walker, Willie B. Walker, John T. Walker (2), Tommie Walker, Sarah Walker, Irene G. Walker, Earl L. Walker, James W. Walker, Daisy Walker, Robert Walker, George Walker, Thomas W. Davis, Emma E. Davis, Weston M. Davis, Warren W. Davis, John M. Davis, Chauncey Davis, Mary M. Davis, Nelson L. Lackey, Adlena P. Lackey, Christopher C. Lackey, Eddie B. Lackey, John W. Davis, Maria L. Davis, Matilda Davis, Isaac S. Watson, Wilson Watson, Caroline Watson, Margaret McPherson, Sam McCree, James T. Strong, Clarence J. Strong, Signora Strong, Benjamin Franklin Fulton, William A. Attaway, Edward P. Brown, Daisy E. Brown, Everson W. Brown, Noel P. Brown, Earl N. Brown, James H. Moore, William H. Moore, Annie Moore, Mary Lizzie Moore, Maggie A. Moore, Willis Perry, Monroe Perry, Robertson Perry, Page Perry, Willis Perry (2), Lee A. Edwards, James L. Edwards, Lillie Edwards, Lou Hayden, Mary A. Clark, Lucy Clark, Hiram Clark

and Henry Clark, as Choctaw Indians entitled to rights in the Choctaw Lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED);

*T. B. Needles.*

Commissioner in Charge.

Registered.

Department of the Interior  
Commission to the Five Civilized Tribes

Muskogee, Indian Territory, November 9, 1903.

Received of the Commission to the Five Civilized Tribes  
one copy of the testimony in the case below named:

*MCR. 7200. Thomas, W. Davis et al*

*A. W. Jones*  
Agent for applicants.

REFER IN REPLY TO THE FOLLOWING:

M.C.R. 7200

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, August 14, 1905.

Thomas W. Davis,  
Durant, Mississippi,

Dear Sir:

You are hereby notified that on the 3rd day of August, 1905, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Samuel Nelson McGee et al., of which decision you were advised by registered mail on the 31st day of October, 1903.

Respectfully,

*W. O. Beall*  
Acting Commissioner.

7200

No.

FOR IDENTIFICATION AS A MISSISSIPPI

MAR 21 1903

Date

Name Thomas W. Davis.

Age

42

Height

$\frac{3}{16}$

Post Office, Durant, Miss.

Father: Isom Davis. d

Mother: Edie " f

Claims through mother  $\frac{3}{8}$

Wife,

Emma L. Davis, l.  
neg. & w.

No claim for wife

Children:

Emma E. Davis. f

Weston McK. " 6

Maum W. " 4

Claims for self &  
3 minors

Stenographer Chas. R. Bennett



Thomas W. Davis

DEPARTMENT  
NOV 19 1905

DEPARTMENT OF INTERIOR

NOTICE OF DEPARTMENTAL ACTION  
EDWARD L. ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

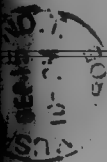
AUG 14 1905

NOTICE OF DEPARTMENTAL ACTION  
FOR CHOCTAW AND CHICKASAW NATIONS.

AUG 14 1905

REFER TO M. C. R.

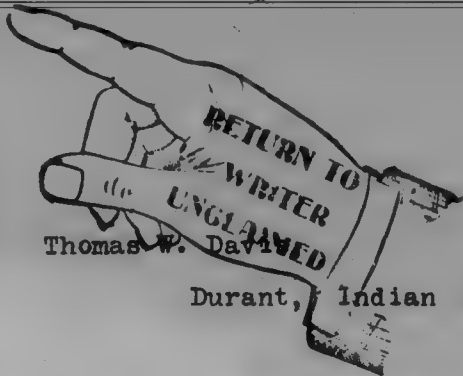
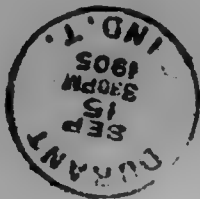
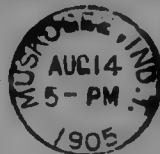
6809



Sept 18, 1905.

Department of the Interior.

Commission to the Five Civilized Tribes,  
MUSKOGEE, IND. TER.



Thomas W. Davison

Durant, Indian Territory.

Choctaw MCR 7201

Mattie McCarrick

MCR 7201

Department of the Interior  
Commission to the Five Civilized Tribes  
Muskogee, I.T. March 21, 1903.

---o---

In the matter of the application of Mattie McCarrick for the identification of herself and her three minor children, William, Jr., Doris and Harold McCarrick, as Mississippi Choctaws.

Thomas & Harrison attorneys.

Mattie McCarrick being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A Mattie McCarrick.  
Q What is your age? A Forty-four.  
Q What is your post office address? A Okarche, Oklahoma.  
Q How long have you lived in Oklahoma? A Ten years.  
Q Where did you live before that? A Kansas.  
Q Where were you born? A Indiana.  
Q Where? A Mt. Vernon.  
Q How long did you live there? A Twenty years.  
Q From there you went to Kansas? A Yes, sir.  
Q How long did you live in Kansas, about? A Ten years.  
Q And where? A Abilene.  
Q Then you went to Oklahoma? A Yes, sir.  
Q Is your father living? A Yes, sir.  
Q Is your mother living? A Yes, sir.  
Q What is your father's name? A George Barker.  
Q What is your mother's name? A Susan Crary.  
Q Through which parent do you claim? A Mother.  
Q How much do you claim? A One-eighth.  
Q Do you claim your mother is one-quarter Choctaw? A Yes, sir.  
Q What was her maiden name? A Susan Harper.  
Q And she married? A George Barker.  
Q And then was divorced? A Yes, sir.  
Q Did she obtain the divorce? A Yes, sir.  
Q Has your mother been recognized or enrolled as a member of the Choctaw tribe by the Choctaw tribal authorities or the authorities of the United States in Indian Territory? A I think so.  
Q Is your husband living? A Yes, sir.  
Q What is his name? A William.  
Q What is his race? A Irish.  
Q And white? A Yes, sir.  
Q Do you make any claim for him? A No, sir.  
Q Have you children you want to make application for? A Three.  
Q What is the name of the oldest? A William, Jr.  
Q How old? A Twenty.  
  
Q Next? A Doris, fourteen.  
Q Girl? A Yes, sir.  
Q The next? A Harold, eleven.  
Q Do you claim for yourself and these three children? A Yes, sir.

- Q Is William the father of these children? A Yes, sir.
- Q Are you and he living together as husband and wife and are these children living with you? A Yes, sir.
- Q Is your name with the names of these children on any of the tribal rolls of the Choctaw Nation? A I guess not.
- Q Have you ever made application for citizenship in the Choctaw Nation either to the Choctaw tribal authorities in Indian Territory or to the Dawes Commission under the act of Congress of June 10, 1896? A No, sir.
- Q Have you ever been enrolled with your children as members of the Choctaw tribe either by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No, sir.
- Q Do you want to identify yourself and these children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand that article? A Well I think I do.

It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied with that article or attempted to comply with it? A I don't know.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Great grandfather.
- Q What is his name? A Charles Harper.
- Q How much Choctaw blood did he have? A Full blood.
- Q Now you claim through your mother, she claims through whom? A Father.
- Q What is his name? A Reuben Harper.
- Q And Reuben Harper claimed through whom? A His father.
- Q How about Charles, that was his father? A Yes, sir.
- Q Did any of these Choctaw ancestors whose names you have given live in Mississippi or Alabama in 1830? A Yes, sir.
- Q Who did? A I think Charles Harper.

- Q Did you say Charles Harper's wife had any Choctaw blood? A I am not certain, I think they were both full blood.
- Q Have you any reason to believe that Charles Harper's wife had Choctaw Indian blood? A I think they were both full blood from what I have heard.
- Q Did either of these ancestors, your great grandfather or great grandmother, go to Colonel Ward within six months after the treaty was ratified and register or attempt to do so? A I don't know.
- Q Did either live on land in the old Choctaw Nation for five years and at the end of that time get a patent from the government? A I don't know.
- Q Are you sure they lived in Mississippi in 1830 and were heads of a family there then? A I have been taught.
- Q Heard so in the family? A Yes, sir.
- Q Did either go from that old Choctaw Nation east of the Mississippi River to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A I don't know.
- Q Or did they go with the other Indians between the years 1833, 1838 or 1842? A I don't know.
- Q Did any of your Choctaw ancestors own any improvement on land in the old Choctaw Nation in 1830? A I don't know.
- Q Did any of your Choctaw ancestors go before a commission in 1837 or a commission in 1842, which commissions were instituted under various acts of Congress and heard claims of Indians who claimed under article fourteen of the treaty of 1830? A I don't know.

The first commission was appointed by an act of Congress approved March 3, 1837 and the second by an act approved August 23, 1842. These commissions were appointed because a great many Choctaw Indians claimed that they had tried to register under article fourteen within six months from the ratification but because Ward would not allow them to register their land had been taken from them and sold by the government at its public land sales.

- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A I don't know.

This scrip was issued under the act of Congress approved August 23, 1842.

- Q Do you speak or understand the Choctaw language? A No, sir.
- Q Have any of your relatives been before this commission to be identified as Mississippi Choctaws claiming through Charles Harper your ancestor? A I don't know.
- Q Well there have been a great many claiming through Charles Harper do you know whether it is the same Charles Harper? A Yes, sir.
- Q Can you give the names of any of them? A My aunt Sarah Drolte.

Reference is made to John Harper, M.C.R. 7979.

Thirty days time will be allowed in this case in which to introduce further proof.

7201-4

This applicant has the appearance and physical characteristics of being descended from white parentage, brown hair, medium light complexion ruddy, blue eyes; has no knowledge of the Choctaw language and no knowledge of a compliance on the part of any of her ancestors with any of the provisions of the treaty of 1830.

---0---

Chas. Diffendaffer, being first duly sworn states that as stenographer to the commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause taken at Muskogee, Indian Territory, March 21, 1903, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

*Chas. Diffendaffer*

Subscribed and sworn to before me this 5<sup>th</sup> day of May 1903.

*Charles H. Sawyer*

Notary Public.



M.O.R. 6727  
" 6728  
" 7201  
" 7280

Muskogee, Indian Territory, April 25, 1903.

Thomas & Harrison,

Attorneys at Law,

Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your communication of April 21st, enclosing marriage certificate of E.A. Large and Eva Cheatham, offered in support of the application of Eveline Large, et al., for identification as Mississippi Choctaws; certificate of marriage of John S. Knapp and Miss Christena Harper, offered in support of the application of Christina H. Knapp, et al., for identification as Mississippi Choctaws; marriage certificate of John L. Connely and Addie Cheatham, offered in support of the application of Addie Connely, et al., for identification as Mississippi Choctaws and the affidavits of Dora Barter and Emma V. Munson, relative to the marriage of W.E. McCarriok and his wife, Mattie, offered in support of the application of Mattie McCarriok, et al., for identification as Mississippi Choctaws; and the same have been filed with the records in these respective cases.

Respectfully,

Chairman.

Muskogee, Indian Territory, April 30, 1903.

W. E. McCarrick,  
Okarche, Oklahoma.

Dear Madam:

Receipt is hereby acknowledged of your communication of April 23, 1903, in which you state that a "lawyer threatens to go before the Commissioners and have my case and the childrens' set aside".

Replying to your communication you are advised that it appears from our records that on March 21, 1903, Mattie McCarrick appeared before the Commission at Muskogee, Indian Territory, and made application for the identification of herself and her three minor children as Mississippi Choctaws. The Commission has not at the present time reached any decision in this case but when a decision is reached you will be duly notified of the action of the Commission.

The Commission cannot undertake to settle controversies arising between applicants and their attorneys.

Respectfully,

Chairman.

M.C.R. 7201.

Muskogee, Indian Territory, November 6, 1903.

Thomas A. Harrison,

Attorneys at Law,

Muskogee, Indian Territory,

Gentlemen:

You are hereby advised that the Commission has this day notified Mattie McGarrick that she will be allowed thirty days from this date in which to submit further evidence in support of the application of herself and minor children for identification as Mississippi Cheetaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Commissioner in Charge.

M.C.R.7201.

Muskogee, Indian Territory, November 6, 1903.

Mattie McGarrick,

Okarche, Oklahoma,

Dear Madam:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of yourself and minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, March 19, 1904.

Mattie McCarriok,

Okarche, Oklahoma.

Dear Madam:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which the application made by you for the identification as Mississippi Choctaws of yourself and your three children, William Jr., Doris, and Harold McCarriok, was made a part, refusing said application.

You are further advised that a copy of such decision has been furnished your attorneys of record, Thomas & Harrison, Muskogee, Indian Territory; that the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted to the Secretary of the Interior for his consideration with such argument and brief as may be submitted by your attorneys of record.

Respectfully,

Registered

Commissioner in charge.

M C R 7201

Muskegee, Indian Territory, June 26, 1905.

Mattie McCarrick,  
Okarche, Oklahoma.

Dear Madam:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications ~~for identification as Mississippi Choctaws of the sever-~~ al persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 19th day of March, 1904.

Respectfully,

Chairman.

7201

No.

7201

## FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 21 1903

Name Mattie McCarriek

Age 44

Blood

4/8

Post Office,

Oktarche, Okla.

Father:

George Barter, I.

Mother:

Susan Cray, I.

Claims through

mother - 1/4

William McCarriek, Jr.

No claim for husband

Children:

William McCarriek, Jr. 20

Doris

" F

14

Harold

"

"

Claims for self

3 minor

Stenographer

Chas. J. P.

Mattie McBarriek, et

DECISION RENDERED

MAR 2 1904

COPY OF DECISION FORWARDED  
ATTORNEY FOR APPLICANT AND  
CHICK KEESE

MAR 6 1904

NOTICE OF DECISION RENDERED TO APPLICANT. MAR 9 1904

COPY OF DECISION FORWARDED  
ATTORNEY FOR APPLICANT.

MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

SECRET

MA

FORV

3870



Choctaw MCR 7202

Frank J. Harper

MCR 7202

State of Wisconsin, )  
County of Douglas. )

On this 24<sup>th</sup> day of April, A. D. 1903, before me a Notary Public in and for said county and state appeared Frank J. Harper, who being first duly sworn on oath states:

That on March 21st. 1903, he made personal application before the Commission to the Five Civilized Tribes, at Muskogee, Indian Territory, for identification for himself and his five minor children as Mississippi Choctaws. Affiant further states that at that time he believed from information from different members of his family that the Charles Harper (the husband of Betsy Cheatham) through whom he claimed his Indian blood was his great great grand father, and so testified; that after returning to his home and giving the matter serious thought and consideration he is now convinced that he erred in his testimony and that the above named Charles Harper was not his great great grand father but was in fact and in truth his great grand father; that this affidavit is made for the purpose of correcting the above error, and affiant respectfully submits that the same be considered in relation thereto.

Frank J. Harper

Subscribed and sworn to before me this 24<sup>th</sup> day of April, 1903.

My commission expires May 14th, 1904

Geo. B. Hughes  
Notary Public

Department of the Interior  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. March 21, 1903.

---o---

In the matter of the application of Frank Harper for the identification of himself and his five minor children, Owen, Leonard J., Paul, Claudine and Mary M. Harper, as Mississippi Choctaws.

Thomas and Harrison, attorneys.

Frank Harper being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A Frank Harper.  
Q What is your age? A Thirty-three.  
Q What is your post office address? A Superior, Wisconsin.  
Q How long have you lived there? A four years.  
Q You lived where before that? A Kansas City.  
Q How long in Kansas City? A Twelve or thirteen years.  
Q Where were you born? A Naples, Illinois.  
Q From there you went where? A Kansas City.  
Q Is your father living? A No, sir.  
Q Is your mother? A Yes, sir.  
Q What is your mother's name? A Louisa Lord.  
Q Is her name now Harper? A Yes, sir.  
Q What was your father's name? A John Harper.  
Q You claim through your father? A Yes, sir.  
Q How much Choctaw blood do you claim? A One-eighth.  
Q You claim your father was one-quarter? A Yes, sir.  
Q Has he ever been recognized or enrolled as a member of the Choctaw tribe by the Choctaw tribal authorities or the United States authorities in Indian Territory? A I think not.  
Q Is your wife living? A Yes, sir.  
Q What is her race? A Irish.  
Q What is her name? A Mary.  
Q Do you make any claim for her? A No, sir.  
Q Now the children beginning with the oldest? A Owen, seven.  
Q Next? A Leonard J., five.  
Q Next? A Paul.  
Q How old? A Three.  
Q The next? A Claudine, two.  
Q Boy? A Yes, sir.  
Q Next? A Mary M., four months.  
Q You make application for yourself and these children? A Yes, sir.  
Q Is Mary Harper, your wife, the mother of these children? A Yes, sir.  
Q And they live with you at your home? A Yes, sir.  
Q Have you proof of your marriage with your wife? A Yes, sir.

Certified copy of extract from the matrimonial register of the Cathedral Kansas City, Mo., of the marriage of Frank J. Harper and Mary Garabine, attested by John J. Blennon, bishop, is presented by applicant, filed and marked exhibit "A".

- Q Is this Frank J. Harper your name? A Yes, sir.
- Q You gave your name as Frank Harper, is it Frank J.? A Yes, sir.
- Q Do you want to have it changed and made Frank J. Harper? A Yes, sir.
- Q Is your name or the names of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation either to the Choctaw tribal authorities for yourself and children or to the Dawes Commission under the act of Congress of June 10, 1896? A No, sir.
- Q Have you or your children been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the commission to the Five Civilized Tribes or the United States court in Indian Territory? A No, sir.
- Q Do you want to identify yourself and these children as Mississippi Choctaws claiming under article fourteen? A Yes, sir.
- Q Do you understand that article? A Yes, sir.

Article fourteen is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if ~~any~~ they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article? A No, sir not positive.
- Q What is the name of your ancestor that you claim through? A Great great grandfather, Charles Harper.
- Q How much Choctaw blood did he have? A Full blood.
- Q What relation is Mattie McCarrick to you? A Well sir I don't know.
- Q Is John Harper who made application your father? A No, sir.
- Q What relation is he to you? A Cousin I think.
- Q Do you want to refer to his application and make it a part of your own? A Yes, sir.
- Q Case of John Harper M.C.R. 7079 is referred to.
- Q How old would Charles Harper be if living today? A Well he would be - let me see - pretty near one hundred years old.

- Q Did he use to live in Mississippi? A I don't know.
- Q Do you know whether he was born there? A I couldn't say.
- Q Do you know whether he lived there in 1830 and had a family there then? A I don't know.
- Q Did he live on land in the old Choctaw Nation in either Mississippi or Alabama for five years and then get a deed from the government for that land? A I don't know.
- Q Did he go to Colonel Ward within six months after the treaty was ratified and register or attempt to register under article fourteen of that treaty? A I have heard that he did.
- Q Did he succeed in registering or not? A No, sir to my knowledge.
- Q Did he go from the old Choctaw Nation east of the Mississippi River to the Choctaw Nation Indian Territory with the other Indians between the years 1833, 1838 or 1840? A I don't know.
- Q Or at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A Not that I know of.
- Q Did any of your Choctaw ancestors claim any land in the old Choctaw Nation under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors own any improvement on land in the old Choctaw Nation in 1830? A I don't know.
- Q Did any ancestor of yours go before the commission of 1837 or the commission of 1842 and claim any benefit under article fourteen of the treaty of Dancing Rabbit Creek? A I couldn't say.

The commission of 1837 was appointed by an act of Congress approved March 3d of that year and the commission of 1842 was appointed by an act approved August 23d of that year. These Commissions were appointed to hear the claims of Choctaw Indians under article fourteen of the treaty of 1830 who claimed that they had been refused the right to register by Colonel Ward, and because of this refusal their lands had been taken from them and sold by the government at its public land sales.

- Q Do you know whether any Choctaw ancestor of yours went before either the commission of 1837 or 1842 and claimed any benefit under article fourteen of that treaty? A I don't know.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A Not as I know of.

This scrip was issued under the act of Congress approved August 23, 1842 and was given to those Choctaw Indians who proved their right under article fourteen of the treaty of 1830 and also proved their land had been taken from them by the government and sold.

- Q Do you understand or speak the Choctaw language? A No, sir.

Thirty days time will be allowed in this case from the date hereof in which to introduce further proof.

By attorney:

7202-4

- Q What is your grandfather's name? A William Harper.  
Q What is the name of his wife if you remember? A I don't know.  
Q The father of William Harper was? A Charles Harper.

By Commission:

This applicant has the appearance and physical characteristics of being descended from white parentage, black eyes, very dark brown hair, ~~swarthy~~ complexion, brown mustache, has no knowledge of the Choctaw language and no knowledge of a compliance on the part of any of his ancestors with any of the provisions of article four teen of the treaty of 1830.

---0---

Chas. Diffendaffer, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause taken at Muskogee, Indian Territory, March 21, 1903, and that the foregoing is a full true and correct transcript of his stenographi notes taken in said cause on said date.

*Chas. Diffendaffer*

Subscribed and sworn to before me this 5<sup>th</sup> day of May 1903.

*Charles H. Sawyer*  
Notary Public.

(7326  
W.C.R. (7294  
(7202-6829

Muskogee, Indian Territory, April 30, 1903.

Thomas & Harrison,  
Attorneys-at-Law,  
Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your communication of  
April 27, 1903, enclosing the following:

Certified copy of marriage license and certificate of  
Edward M. Knapp and Cecily Flynn offered in support of the  
application of Edward M. Knapp, et al., for identification  
as Mississippi Choctaws.

Certified copy of the record of marriage of Wm. Harper and  
Rebecca Rider offered in support of the application of Jennie  
Atchison et al., for identification as Mississippi Choctaws.

Affidavit of Frank J. Harper offered in support of the ap-  
plication of Frank J. Harper et al., for identification as Mis-  
sissippi Choctaws.

Marriage license and certificate of Marcus Stockdale and  
Ida Belle Hobbs offered in support of the application of Ida  
Stockdale et al., for identification as Mississippi Choctaws.

The above mentioned documents have been filed with the  
records in their respective cases.

Respectfully,

Chairman.



M.C.R. 7202.

Muskogee, Indian Territory, November 6, 1903.

Frank J. Harper,

Superior, Wisconsin,

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of yourself and minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Commissioner in Charge.



M.C.R. 7202.

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,

Attorneys at Law,

Muskogee, Indian Territory,

Gentlemen:

You are hereby advised that the Commission has this day notified Frank J. Harper that he will be allowed thirty days from this date in which to submit further evidence in support of the application of himself and minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Commissioner in Charge.

M C R 7202

Muskogee, Indian Territory, March 19, 1904.

Frank J. Harper,  
Superior, Wisconsin.

Dear Sir:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which the application made by you for the identification of yourself and children, Owen, Leonard J., Paul, Claudine and Mary M. Harper as Mississippi Choctaws was made a part, refusing said application.

You are further advised that the attorneys of record in your case, Messrs. Thomas & Harrison, Muskogee, Indian Territory, have been furnished with a copy of the decision in this case; that the record will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted, together with such argument and brief as may be submitted by your attorneys, to the Secretary of the Interior for his consideration.

Respectfully,

Registered

Commissioner in Charge.

COMMISSIONERS:  
TAMM RIKBY,  
THOMAS B. NEEDLES,  
C. E. BRECKINRIDGE.

WM. O. BEALL,  
Secretary.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

NEVER IN REPLY TO THE FOLLOWING:

MC 2 -- 7302

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Waskagee, Indian Territory, June 26, 1905.

Frank J. Harper,  
Superior, Wisconsin.

Dear Sir:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 19th day of March, 1904.

Respectfully,



Chairman.

7202

No. 7202

## FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 21 1903

Name *Frank J. Harper*

Age 33 -

Blood

" 1/8

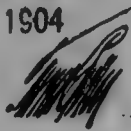
Post Office, *Superior, Wis.*Father: *John Harper, d*Mother: *Louisa " d*Claims through *father 1/4*  
*Wife.**Mary Harper — I. W*  
*No claim for wife*

Children:

*Oliver Harper 7**Leonard J. " 5**Paul " 3**Claudine " 2**Mary M. " 4 m**Claim for self*  
*and children*Stenographer *Charles J. Ford*

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
**FILED**

MAY 11 1904

A handwritten signature in dark ink, appearing to be "T. R. Smith", written over the printed name.

CHAIRMAN.

Department of the Interior.

Commission to the Five Civilized Tribes,

**MUSKOGEE, IND. TER.**

**OFFICIAL BUSINESS.**

Penalty for private use, \$300.

MAY 1 - 1904

REC.  
MAR 24  
**MUSKOGEE, IND. TER.**

Frank J. Harper  
Superior, Wisconsin.



5048

1555

for 200

Unclaimed

Unclaimed

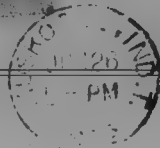
RECEIVED  
JUN 20  
7 PM  
1905

August 8, 1905  
at

Department of the Interior.

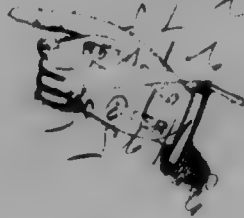
Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

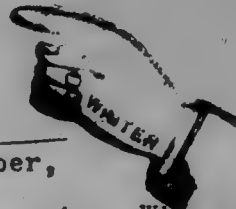


7202

*Spent in error  
by R. J. Harper*



*June 29*



Frank J. Harper,

Superior, Wisconsin.



A MISSISSIPPI CHOCTAW

Frank J. Harper, et al

DECISION RENDERED.

MAR 4 1904

COPY OF DECISION FORWARDED  
ATTORNEYS FOR CHOCTAW AND  
CHICKASAW NATIONS.

MAR 4 1904

NOTICE OF DECISION MAILED APPLICANT. MAR 19 1904

COPY OF DECISION FORWARDED  
ATTORNEY FOR APPLICANT.

MAR 14 1904

**RECORD FORWARDED DEPARTMENT.**

**JUN 13 1904**

ACTION APPROVED BY  
SECRETARY OF INTERIOR

MAR 11 1905

NOTICE OF DEPARTMENTAL  
ACTION MAILED APPLICANT.

JUN 2

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED AT FORNEY, MISSISSIPPI.

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED AT FORNEY, MISSISSIPPI.  
CHICKASAW NATIONS.

5870

Choctaw MCR 7203

J. R. Byars

MCR 7203

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskegee, I.T. March 21, 1903.

7203

In the matter of the application of J. R. Byars for identification as a Mississippi Choctaw.

J.R.Byars being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A J .R.Byars.  
Q What is your age? A Thirty four years old.  
Q What is your post office address? A Pittsboro, Mississippi.  
Q What County in Mississippi is that? A Calhoun.  
Q How long have you lived in Mississippi? A Born and raised there  
Q Lived there all your life? A Yes, up to about three months ago.  
Q Did you remove from there three months ago? A I came out here  
about three months ago.  
Q Came to the Territory? A Yes, just looking around.  
Q But your home is still in Mississippi? A Yes, I am going back.  
Q What is your father's name? A Butterfield Byars.  
Q Is he living? A Yes, was when I heard from him last.  
Q What is your mother's name? A Lisa.  
Q Is your mother living? A No sir.  
Q Through which parent do you claim your Choctaw blood? A Through  
my mother.  
Q How much Choctaw blood do you claim? A I don't know; about a  
sixteenth I reckon.  
Q Has your mother through whom you claim your right to identification  
as a Mississippi Choctaw ever been recognized in any manner  
or enrolled as a member of the Choctaw tribe of Indians by the  
Choctaw tribal authorities or the authorities of the United States  
in A Not that I knew of.  
Q How old would your mother be if living? A I don't know that.  
Q Knew about how old she would be? A No sir; she would be about  
fifty I reckon; may be over that.  
Q Through which one of her parents did your mother claim her  
Choctaw blood? A Through her mother.  
Q What was her mother's name? A Sally McGuire after she married.  
Q What was her maiden name? A Sallie Langston.  
Q What was the name of Sallie's husband? A Ames McGuire.  
Q He was a white man? A Yes sir.  
Q Claimed no Choctaw blood? A I don't believe he did.  
Q Do you know when Ames McGuire and Sallie Langston were married?  
A No sir, I don't.  
Q Through which parent did Sallie Langston claim her Choctaw  
blood? A They tell me that her father was Asa Langston-- she  
claims through her mother.

Q What was her mother's name? A They tell me Tobitha Watson; she married Asa Langston.

Q Then how much Choctaw blood did Tobitha Watson have? A I don't know.

Q You are not able to trace your ancestry any farther than Tobitha Watson, are you? A I have heard that her father's name was Isaac Watson. They claim he was full blood Choctaw.

Q Do you know what his wife's name was? A No sir, I don't know.

Q Asa Langston was a white man was he? A I suppose he was.

Q Are you married? A No sir.

Q Have you ever been married? A No sir.

Q This application then is for yourself alone? A Yes sir.

Q Is your name to be found upon any of the tribal rolls of the Choctaw Nation in Indian Territory? A I guess it is not; this is the first time I applied.

Q Did you or anyone for you ever make application to the Choctaw tribal authorities in the Indian Territory to be enrolled as a member of that tribe? A No sir, not that I know of.

Q Did you or anyone for you in the year 1896 make application to this Commission for citizenship or enrollment in the Choctaw Nation under the act of Congress approved June 10, 1896? A Not that I know of.

Q Is this the first application of any description for citizenship or enrollment in the Choctaw Nation that has ever been made by you or in your behalf? A Yes, I think it is.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A Yes sir.

Article fourteen of the treaty of Dancing Rabbit Creek reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Is that the provision of law under which you are claiming your right to identification as a Mississippi Choctaw? A I guess it is.

Q You understand that article, do you? A Well, I have heard it read over a whole lot, but I don't know whether I understand it or not; I reckon I do.

Q You think you understand it sufficiently to claim under it? A Yes sir.

Q What is the name of your Choctaw ancestor through whom you claim your rights to identification as a Mississippi Choctaw? A Isaac Watson.

Q He was your great great grandfather? A Yes sir.

Q Did Isaac Watson have a Choctaw Indian name? A I don't know.

Q Did Tobitha Watson, his daughter, have a Choctaw Indian name? A I don't know.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A I have heard that he complied with it or tried to or something like-- I have an uncle--

Q I am talking about your ancestor, not your uncle. A I don't know.

Q Did any of your Choctaw ancestors within six months from the ratification of the treaty of Dancing Rabbit Creek signify to the agent of the Government at that time in Mississippi their intention to remain in Mississippi, take land there and become citizens of the States as is provided under article fourteen of the treaty of 1830? A I don't know sir.

Q Were any of your Choctaw ancestors living in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A I can't tell you, you know.

Q Were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians at that time? A I don't know anything only what I have heard.

Q Did any of your Choctaw ancestors own an improvement at that time upon what constituted the old Choctaw Nation in the States of Mississippi and Alabama? A I don't know.

Q Did any of your Choctaw ancestors ever claim or receive any lands in Mississippi from the Government of the United States under the provisions of article fourteen of the treaty of 1830?

A I don't know that either.

In accordance with the provisions of article fourteen of the treaty of Dancing Rabbit Creek the Government directed an agent in Mississippi to register the names of those Choctaws who might desire to remain in Mississippi, take land there and become citizens of the States. The records of the Government show that this agent failed to register and report to the Government the names of many Choctaws who really did signify their intention to remain in Mississippi and comply with the provisions of article fourteen of the treaty of 1830, and on this account in many instances the land upon which the Indians lived and had improvements and which they desired reserved for them under article fourteen of the treaty of 1830 was sold by the Government at Public Land Sale and the Choctaws deprived of their land. This caused much complaint among the Choctaws and finally the matter was brought to the attention of Congress, and Congress by acts passed in 1837 and 1842 created Commissions which went to Mississippi and heard the claims of Choctaws under article fourteen of the treaty of 1830.

Q Did any of your Choctaw ancestors appear before the Commission appointed in 1837 or before the Commission appointed in 1842 and attempt to establish their rights under article fourteen of the treaty of 1830? A I don't know.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with all the provisions of article fourteen of the treaty of 1830 but that his land had been sold by the Government that he should be entitled to select land elsewhere in the State of Mississippi, or in Alabama, Arkansas or Louisiana, to be taken from vacant Government land and that a certificate to that effect should be given to him; these certificates were called scrip.

- Q Did any of your ancestors ever receive any such scrip from the Government under this act of Congress? A Not that I know.
- Q So far as you know were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians? A I don't know sir.
- Q So far as you know did they ever receive any benefits as such? A I don't know.
- Q Have you any witnesses you desire to call at this time? A No sir.
- Q Have you any documentary evidence you wish to present? A No sir, only I want to get in with the others.
- Q Do you desire time in which to present further testimony? A No sir; I have told you all I know about it.
- Q Do you speak or understand the Choctaw language? A No sir.
- Q Are there any further statements you desire to make? A I don't know that there is.
- Q Have you had any relatives that have appeared before the Commission prior to this time? A Yes sir.
- Q What are their names? A Julia Stephens.
- Q What relation is Julia to you? A She's a cousin of mine.
- Q She claims her descent from the same common ancestor does she? A Yes sir.
- Q What relation is Henry W. McGuire to you? A He is a cousin.
- Q Does he claim his descent from the same ancestor? A Yes sir.

Reference is made to the case of Julia Stephens et al.,  
M.C.R.l.

This applicant has the appearance of being a white man; shows no indications of being possessed of Choctaw blood; light complexion, brown hair, brown eyes. Has no knowledge of any compliance on the part of his ancestors with the provisions of article fourteen of the treaty of 1830.

----

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above proceedings on March 21, 1903, and that this is a full, true and correct transcript of his stenographic notes in same.

*Henry G. Hains.*

Subscribed and sworn to before me this 2 day of April, 1903.

*Charles H. Sawyer*

Notary Public.

M.C.R. 7203.

Muskegee, Indian Territory, October 31, 1903.

J. R. Byars,

Pittsboro, Mississippi,

Dear Sir:

You are hereby advised that on the 31st day of October, 1903, the Commission to the Five Civilized Tribes, rendered a decision in the consolidated case of Sophia Aven, et al., embracing the following applications for identification as Mississippi

Choctaws:

Sophia Aven, et al.,	M.C.R. 7051
Annie Webb, et al.,	M.C.R. 7082
Bettie Hollis, et al.,	M.C.R. 7230
William R. Byars, et al.,	M.C.R. 7219
J. R. Byars,	M.C.R. 7203
Mabel Mitchell, et al.,	M.C.R. 7221.

These applications were made under the provision of the act of Congress of June 26, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."



J. R. B. - 2

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Sophia Aven, Thomas Algin Aven, Annie Belle Aven, Mary Lou Aven, John Henry Aven, Annie Webb, Laban Webb, Sadie Webb, Lavelle Webb, Bettie Hollis, Hubert L. Hollis, Leonard G. Hollis, Ethel Hollis, Maud Hollis, Mable Hollis, William R. Byars, Roy D. Byars, Ora E. Byars, Ivy L. Byars, Jewell Byars, Junior Byars, Morgan P. Byars, Lester R. Byars, William W. Byars, J. R. Byars, Mabel Mitchell, Nancy R. Mitchell, Myrtle V. Mitchell, Jessie L. Mitchell and Robert T. Mitchell, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*Tams Bixby.*  
Chairman.

Registered.



M.C.R.7203

Muskogee, Indian Territory, April 30, 1904.

J. R. Byars,

Pittsboro, Mississippi.

Dear Sir:

You are hereby notified that on the 21st day of April, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Sophia Aven, et al., of which decision you were advised by registered mail on the 31st day of October, 1903.

Respectfully.

W. C. C. C.

Chairman.

✓

No. 7203

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

MAR 21 1906

Date  
Name *J. R. Byars.*  
Age *34.* Blood *One 1/6*

Post Office, *Pittsboro, Miss.*  
Father: *Butterfield Byars, L*  
Mother: *Liza* " *D.*  
Claims through *mother*

Children:

*(Claims for all same,*

Stenographer *H. G. Harris*

MISSISSIPPI CHOCTAW

J. R. Byars

REFUSED

DEPARTMENT.  
NOV 16 1957  
ACTION APPROVED BY

APR 2 1958

NOTICE OF DEPARTMENTAL ACTION  
ACTION MAILED APPLICANT.

APR 6

DEPARTMENTAL ACTION

NOTICE OF DEPARTMENTAL ACTION  
NOTICE OF DEPARTMENTAL ACTION  
NATIONS

REFER TO M. C. R. 7057

Choctaw MCR 7204

Laton Carlton

MCR 7204

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---0---

In the matter of the application of Laton Carlton, et al.,  
for identification as Mississippi Choctaws, consolidating the ap-  
plications of:

Laton Carlton, et al.,	M.C.R. 7204
Jane McCarty, et al.,	M.C.R. 6773
Artie Carlton, et al.,	M.C.R. 6774

List of papers forwarded to the Secretary of the Interior  
comprising the record in the above consolidated case.

	(Page)
Original application of Laton Carlton, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Certified copy of the marriage record of Laton C. Carlton and Mary Elizabeth Stubbs-----	7
Original application of Jane McCarty, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	8
Original application of Artie Carlton, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	12
Marriage record of William A. Carlton and Annie C. Davis-----	17
Decision of the Commission refusing the ap- plication in the consolidated case of Laton Carlton, et al., for identification as Mis- sissippi Choctaws-----	18

---0---

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. March 21, 1903.

7204

In the matter of the application of Laton Carlton for the identification of himself and his six minor children, Jehn, Ed, Mary, Sarah, Jonathan and William H. Carlton, as Mississippi Choctaws.

Applicant represented by J.G. Ralls; no appearance.

Laton Carlton being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Laton Carlton--(spelling the name.)  
Q How old are you? A Forty one.  
Q What is your post office address? A Brownville, Arkansas.  
Q How long have you lived in Arkansas? A A good while; I have been out here a year or two.  
Q You say you have lived in the Indian Territory for a year or two? A Yes sir.  
Q Whereabouts in the Indian Territory? A Close to Brady post office.  
Q Is that in the Choctaw Nation? A Chickasaw I believe.  
Q Where were you born? A In Alabama.  
Q What place in Alabama? A Coosa County.  
Q How long did you live in Alabama? A I was about eight years I believe.  
Q To what place did you then remove? A Arkansas.  
Q And have since lived in Arkansas with the exception of two years in the Indian Territory? A Yes sir.  
Q What is your father's name? A Aaron Carlton.  
Q Is he living? A Yes sir.  
Q What is your mother's name? A Mary.  
Q Is she living? A No sir.  
Q Through which parent do you claim your Choctaw blood? A Through my father.  
Q How much Choctaw blood do you claim? A I don't know; I reckon about a sixteenth, the way they figure it out.  
Q Has your father through whom you claim your right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States? A No sir.  
Q Where were your father and mother married? A In Alabama I believe.  
Q Were they married under a license? A Yes sir.  
Q Have you any evidence of their marriage with you at this time? A No sir.

It will be necessary that the Commission be supplied with evidence of the marriage of your parents in support of this application.

A Its here on record I think.

Q How old is your father at this time? A He is sixty eight years old.

Q Did your father ever have any older brothers or sisters? A Had an older sister I believe.

Q How much older than him was his oldest sister? A I don't remember; she was about two years I believe.

Q Through which one of his parents does your father claim his Choctaw blood? A Through his mother.

Q What was his mother's name? A Allen I believe.

Q What was her given name? A I declare I don't know.

Q Her maiden name was Allen? A Yes sir.

Q What was her husband's name? Your grandfather? A His given name? I don't remember that.

Q How much Choctaw blood did your grandmother Allen have? A I believe they claimed that she was full blood.

Q Did your grandfather, Carlton, who married her have any Choctaw blood? A No sir.

Q He was a white man? A Yes sir.

Q Do you know the names of the parents of your grandmother Alleh? A No sir.

Q Do you know when your grandfather and grandmother were married?

A No sir, I can't tell.

Q Do you know whether or not it was prior to 1830? A No sir, I can't tell you.

Q Are you married? A Yes sir.

Q What is your wife's name? A Elizabeth.

Q She is a white woman? A Supposed to be part Choctaw.

Q How much Choctaw blood has your wife? A Can't tell; she can't tell; she has no way to show.

Q Do you make any application for your wife? A No sir.

Q She is living is she? A Yes sir.

Q Have you any minor children for whom you wish to apply? A Yes sir.

Q What are their names and ages? A John, twenty years old.

Q Next? A Ed.

Q How old is Ed? A Eighteen.

Q Next? A Mary.

Q How old is Mary? A Sixteen.

Q Next? A Sarah.

Q How old is Sarah? A Fourteen.

Q Next? A Jonathan.

Q How old is Jonathan? A Twelve.

Q Next? A William H.

Q How old is William H.? A Ten.

Q Next? A That's all.

Q This application then, is for yourself and six minor children?

A Yes sir.

Q You are the father of these children? A Yes sir.

Q Elizabeth Carlton the mother? A Yes sir.

Q These children claim their Choctaw blood through you? A Yes sir.

Q When and where were you married to Elizabeth Carlton? A In Arkansas.

Q When? A 1882 I believe.

Q Married under a license? A Yes sir.

Q Have you any evidence of your marriage with you at this time?

A No sir, I will have to send for it.

It will be necessary that you supply the Commission with proper evidence of your marriage to your wife in support of your application made for your six minor children; this evidence may be

furnished within thirty days.

Q Is your name or the names of any of your minor children to be found upon any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir, I reckon not.

Q Did you or anyone for you or for any of these minor children ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as members of that tribe? A No sir.

Q Did you or anyone for you in the year 1896 make application to this Commission for citizenship in the Choctaw Nation under the act of Congress approved June 10, 1896? A No sir.

Q Is this the first application of any description for citizenship or enrollment in the Choctaw Nation that has ever been made by you or in your behalf or on behalf of these children? A Yes sir.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the provisions of article fourteen of the treaty of 1830? A Yes sir.

Article fourteen of the treaty of 1830 is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall be issued. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q That is the provision of law under which you are claiming your right to identification as a Mississippi Choctaw? A Yes sir.

Q What is the name of your ancestor through whom you claim these rights? A I don't know as I understand you.

Q What is the name of your Choctaw ancestor, your fore-parent, through whom you claim these rights? A My grandmother, whose maiden name was Allen and married a Carlton.

Q Do you know when your grandmother whose maiden name was Allen married your grandfather, Carlton? A No sir.

Q Do you know whether or not they were married before 1830? A I don't know; but I guess they was; I know they was.



Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of that article fourteen of the treaty of 1830? A Not that I know of.

Q Were any of your Choctaw ancestors living in the old Choctaw Nation in Mississippi and Alabama in 1830 when this treaty was made? A Yes sir.

Q Which one of your ancestors was living there at that time?

A My father was living there at that time.

Q You think your father was born prior to 1830? Before 1830?

A He is sixty eight; I can't say; I can't tell you about that.

Q Were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians in Mississippi and Alabama in 1830?

A I don't know.

Q Did any of your Choctaw ancestors own any improvements in Mississippi or Alabama in what constituted the old Choctaw Nation in 1830 when this treaty was made? A I can't tell you.

Q Did any of your Choctaw ancestors remove from the old Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between 1833 and 1838? A I can't tell you that.

Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of Dancing Rabbit Creek signify to the agent of the Government in Mississippi at this time their intention to stay in Mississippi, take land there and become citizens of the States as is provided in article fourteen of the treaty of 1830?

A I can't tell you that.

Q Did any of your Choctaw ancestors ever claim or receive any land in Mississippi from the Government of the United States under the provisions of article fourteen of the treaty of 1830?

A I can't tell you that.

In accordance with the provisions of article fourteen of the treaty of 1830 the Government directed an agent in Mississippi to register the names of those Choctaws who desired to remain in Mississippi, take lands there and become citizens of the States. The records of the Government show that this agent failed to register and report to the Government the names of many Choctaws who really did signify to him their intention to remain in Mississippi and comply with the provisions of article fourteen of the treaty of 1830 and on this account in many instances lands upon which the Indians lived and had improvements and which they desired reserved for them under article fourteen were sold by the Government at Public Land Sale and the Choctaws deprived of their land and this caused a great deal of complaint among the Choctaws and finally the matter was brought to the attention of Congress and Congress by acts passed in 1837 and 1842 created Commissions who went to Mississippi and heard the claims of Choctaws under article fourteen of the treaty of 1830.

Q Did any of your ancestors appear before the Commission of 1837 or the Commission appointed in 1842 and attempt to establish their rights under article fourteen of the treaty of 1830? A I can't tell you that; I heard they did.

- Q What have you heard about that? A I have just heard my father talking about that.
- Q What did he say about them going before these Commissions?
- A I don't know.
- Q Then you don't know anything about these Commissions at all?
- A No sir.
- Q Did your grandmother, C arlton, have a Choctaw Indian name?
- A I don't know.

The act of Congress approved August 23, 1842 provided that in case it should be finally determined that a Choctaw had complied with all the provisions of article fourteen of the treaty of 1830 but that his land had been sold by the Government that he should be entitled to select land elsewhere in the State of Mississippi or in Alabama, Arkansas or Louisiana, to be taken from vacant Government land and that a certificate to that effect should be given him; these certificates were called scrip.

- Q Did any of your Choctaw ancestors receive any such scrip from the Government under the provisions of this act of Congress?
- A I can't say.
- Q So far as you know were any of your Choctaw ancestors ever recognized members of the Choctaw tribe of Indians? A I can't say.
- Q So far as you know did any of them receive any benefits as such?
- A No sir.
- Q Have you any witnesses you desire to introduce? A No sir.
- Q Have you any documentary evidence to present? A No sir.
- Q Do you desire time to introduce further testimony? A No sir, I don't know.

You will be allowed thirty days time from this date within which to introduce further testimony in this case.

- Q Do you speak or understand the Choctaw language? A No sir.
- Q Have you any further statements you wish to make? A No sir.
- Q Have any of your relatives appeared before the Commission prior to this time and made application? A Yes sir.
- Q Who are they? A Aaron Carlton, my father.

Reference made to the case of Aaron Carlton et al., M.C.R 538, as claimants under same common ancestor.

- Q Have you any further statements you wish to make? A No sir, I think not.

This applicant has the appearance of being white man; shows no indications of being possessed of Choctaw blood; dark complexion.

dark brown hair, brown whiskers, blue eyes; no knowledge of any compliance on the part of any of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case March 21, 1903, and that this is a full, true and correct transcript of his stenographic notes in same.

*Henry G. Hains*

Subscribed and sworn to before me this 2 day of April, 1903.

*Charles H. Sawyer*

Notary Public.

COPY

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---0---

In the matter of the application of Laton Carlton, et al.,  
for identification as Mississippi Choctaws, consolidating the ap-  
plications of:

Laton Carlton, et al.,	M.C.R. 7204
Jane McCarty, et al.,	M.C.R. 6773
Artie Carlton, et al.,	M.C.R. 6774

---: D E C I S I O N :---

It appears from the record herein that applications for  
identification as Mississippi Choctaws were made to this Commission  
by Laton Carlton for himself and his six minor children, John, Ed,  
Mary, Sarah, Jonathan and William H. Carlton; by Jane McCarty for  
herself and her three minor children, Etta May, Jeff Davis and  
Albert McCarty; and by Annie Williams for her three minor children,  
Artie, Foster and Ellis Carlton, under the following provision of  
the of Congress approved June 25, 1896 (30 Stats., 495):

"Said Commission shall have authority to determine the  
identity of Choctaw Indians claiming rights in the Choctaw  
lands under article fourteen of the treaty between the United  
States and the Choctaw Nation, concluded September twenty-  
seventh, eighteen hundred and thirty, and to that end may ad-  
minister oaths, examine witnesses, and perform all other acts  
necessary thereto and make report to the Secretary of the  
Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Nancy Carlton, nee Allen, who is alleged to have been a full-blood Choctaw Indian.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Nancy Carlton, nee Allen, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Laton Carlton, John Carlton, Ed Carlton, Mary Carlton, Sarah Carlton, Jonathan Carlton, William H. Carlton, Jane McCarty, Etta May McCarty, Jeff Davis McCarty, Albert McCarty, Artie Carlton, Foster Carlton and Ellis Carlton, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

*Tams Bixby.*

Chairman.

(SIGNED)

*T. B. Needles.*

Commissioner.

(SIGNED)

*C. R. Breckinridge.*

Commissioner.

(SIGNED)

*W. E. Stanley.*

Commissioner.

Muskogee, Indian Territory,

MAR 30 1904.

Muskogee, Indian Territory, April 28, 1903.

Laten Carlton,  
Brownville, Arkansas.

Dear Sir:

Receipt is hereby acknowledged of certified copy of marriage license and certificate between Laten C. Carlton and Mary Elizabeth Stubbs, offered in support of the application made by Laten Carlton for the identification of himself and minor children as Mississippi Choctaws. The same has been filed with the record in this case.

Respectfully,

Chairman.



M.C.R. 7204

Muskogee, Indian Territory, April 28, 1904.

Laton Carlton,

Brownsville, Arkansas,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 30, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Laton Carlton et al., including you and your children John Carlton, Ed Carlton, Mary Carlton, Sarah Carlton, Jonathan Carlton and William H. Carlton.

You are further notified that you will be allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Registered.

Chairman.



M.C.R. 7204

COPY

Muskogee, Indian Territory, April 28, 1904.

T. D. Taylor,

Attorney at Law,

South McAlester, Indian Territory,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 30, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Laton Carlton et al., which embraces the following cases:

Laton Carlton et al., M.C.R. 7204  
Jane McCarty et al., M.C.R. 6773  
Artie Carlton et al., M.C.R. 6774.

You are further notified that the applicants in this case have been allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*Tanne Bixby.*

Chairman.

Registered.

M.C.R. 7204

COPY.

Muskogee, Indian Territory, April 28, 1904.

J. G. Ralls,

Attorney at Law,

South McAlester, Indian Territory,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 30, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Laton Carlton et al., which embraces the following cases:

Laton Carlton et al., M.C.R. 7204  
Jane McCarty et al., M.C.R. 6773  
Artie Carlton et al., M.C.R. 6774.

You are further notified that the applicants in this case have been allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*Jams Bixby.*

Chairman.

Registered.

COPY.

M.C.R. 7204.

Muskogee, Indian Territory, April 28, 1904.

Mansfield, McMurray & Cornish,  
Attorneys for Cheetaw and Chickasaw Nations,  
South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered March 30, 1904, refusing the applications for identification as Mississippi Cheetaws of the several persons included in the consolidated case of Laton Carlton et al.

You are hereby advised that the applicants in this case have been allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*Tame Dixby.*  
Chairman.

Enc. MCR 7204.

COPY.

Muskogee, Indian Territory, May 14, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

There is transmitted herewith the record in the consolidated case of Laton Carlton et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of March 30, 1904.

The above consolidated case embraces the following original applications heard by the Commission:

Laton Carlton et al.,	M.C.R. 7204
Jane McCarty et al.,	M.C.R. 6773
Artie Carlton et al.,	M.C.R. 6774.

The Commission has the honor to report that the principal applicants in the several separate applications, their attorneys of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

The applicants in this case are related to the applicants in the consolidated Mississippi Choctaw case of Aaron Carlton et al., decision in which was rendered by the Commission on June 10, 1902, and approved by the Secretary on August 5, 1902.

Respectfully,

(SIGNED)

*Tams Bixby.*

Chairman.

Through the  
Commissioner of Indian Affairs.

2 Enc. MCR 7204.

(COPY)

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,

Washington, June 9, 1904.

Land  
33619-1904.

The Honorable,

The Secretary of the Interior.

Sir:

Permit me to invite your attention to record of the Commission to the Five Civilized Tribes in the matter of the application of Laton Carlton, for the identification of himself and his six minor children, John, Ed., Mary, Sarah, Jonathan and William H. Carlton; by Jane McCarty, for herself and her three minor children, Etta May, Jeff Davis, and Albert McCarty; and by Annie Williams, for her three minor children, Artie, Foster and Ellis Carlton; as Mississippi Choctaws, wherein a decision rejecting them was entered by the Commission on March 30, 1904.

The record in this case shows that the applicants base their claims to a right to identification on their descent from Nancy Carlton nee Allen, who is alleged to have been a choctaw Indian, a resident in the Choctaw Nation east of the Mississippi in 1830 and a recognized member of the Choctaw tribe. As to whether this ancestor was married in 1830 and the head of a family, the witnesses are unable to state. Neither have they any definite knowledge as to whether she complied or attempted to comply with the provisions of the Fourteenth Article of the Choctaw Treaty of that year, or re-

ceived any land or scrip thereunder. The Commission rejected the applicants for the reason that its records failed to show that Nancy Carlton nee Allen either complied or attempted to comply with the provisions of the Fourteenth Article of the Choctaw Treaty of 1830, or the subsequent legislation relative thereto.

An examination of the records of this office has been made with reference to the names of Nancy Carlton and Nancy Allen, and it is ascertained that these names do not appear among the names of those Choctaw Indians who received land under the Fourteenth Article of the Choctaw Treaty of 1830, or scrip under the subsequent legislation relative thereto. In fact, while there were Indians of the given name of "Nancy" who were beneficiaries under that Article of the Treaty, and those of the given name of "Allen," there were no beneficiaries under that Article who were of the surname of "Carlton" or "Allen."

The facts being as herein set out, it is evident the decision of the Commission rejecting these applicants was correct, and I therefore recommend it should be approved.

Very respectfully,

A. C. Tonner.

Acting Commissioner.

E.B.H.-L.C.

(COPY)

D.C. 8446-1905.  
I.T.D. 4780-1904.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

J.W.H.

FHE.

February 16, 1905.

LRS

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

May 14, 1904, you transmitted the record in the matter of the applications of Laton Carlton, et al. (M.C.R. 7204), for identification as Mississippi Choctaws, including your decision of March 30, 1904, which was adverse to the applicants.

Reporting in the matter June 9, 1904, the Acting Commissioner of Indian Affairs recommended that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

In connection with this case, your attention is invited to departmental letter of even date to you, denying a petition for rehearing in the Choctaw enrollment case of Aaron Carlton, et al.

Respectfully,

E. A. Hitchcock.

1 inclosure.

Secretary.

COPY.

M.O.R. 7204.

Muskogee, Indian Territory, February 28, 1905.

Laton Carlton,

Brownville, Arkansas.

Dear Sir:

You are hereby notified that on the 16th day of February, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of yourself and children, John Carlton, Ed Carlton, Mary Carlton, Sarah Carlton, Jonathan Carlton and William H. Carlton, included in the consolidated case of Laton Carlton et al., of which decision you were advised by registered mail on the 28th day of April 1904.

Respectfully,  
SIGNED:

*C. R. Breckinridge.*

Commissioner in Charge.



M.C.R. 7204.

COPY.

Muskogee, Indian Territory, February 28, 1905.

J. G. Ralls,

Attorney at Law,

South McAlester, Indian Territory.

Dear Sir:

You are hereby notified that on the 16th day of February, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of Laton Carlton, John Carlton, Ed Carlton, Mary Carlton, Sarah Carlton, Jonathan Carlton, William H. Carlton, Jane McCarty, Etta May McCarty, Jeff Davis McCarty, Albert McCarty, Artie Carlton, Foster Carlton and Ellis Carlton included in the consolidated case of Laton Carlton et al., of which decision you were advised by registered mail on the 28th day of April, 1904.

Respectfully,

WIGNED

C. B. Breckinridge.

Commissioner in Charge.

COPY.

Muskogee, Indian Territory, February 28, 1905.

T. D. Taylor,

Attorney at Law,

South McAlester, Indian Territory.

Dear Sir:

You are hereby notified that on the 16th day of February, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of Laton Carlton, John Carlton, Ed Carlton, Mary Carlton, Sarah Carlton, Jonathan Carlton, William H. Carlton, Jane McCarty, Etta May McCarty, Jeff Davis McCarty, Albert McCarty, Artie Carlton, Foster Carlton and Ellis Carlton, included in the consolidated case of Laton Carlton et al., of which decision you were advised by registered mail on the 28th day of April, 1904.

Respectfully,

SIGNED).

*C. R. Breckinridge*

Commissioner in Charge.

M.C.R. 7204.

COPY.

Muskogee, Indian Territory, February 28, 1905.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 16th day of February, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Laton Carlton et al., of which decision you were advised by mail on the 28th day of April 1904.

Respectfully,

SIGNED,

*C. R. Breckinridge.*

Commissioner in Charge.

REFER TO M. C. R. 7264

Laton Carlton  
et al

Consolidated Case

Supp to mark 538.

Card No.

NAME

RESIDENCE-DISTRICT

POST OFFICE

A

Wick  
7204

Latou Carlton, 41. 1/4

wife

Elizabeth Carlton, L

Wick  
7204

John Carlton, 30

" Ted Carlton, 18

" Mary Carlton, 16

" Sarah Carlton, 14

" Jonathan Carlton, 12

" William H. Carlton, 10

Nancy Allen, f.b.

married

Carlton, w.

Aaron Carlton, 68, L

wife

Mary Carlton, D.

Jasper Carlton, L. 1/8

wife

Emily J. Carlton, L

Wick  
6773

Jane Carlton, 22. 1/4

married

Jim McCarty, w

Wick  
6773

Etta Mary McCarty, 4

" Jeff Davis McCarty, 2

" Albert McCarty, 1

William A Carlton, 18. 2

married

Annie Davis L

married  
Williams w.

Wick  
6774

Artie Carlton, 13. 1/6

Foster Carlton, 10. 1/6

Ellis Carlton, 5. 1/6

No. 7204

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 21 1903

Name Laton Carlton

Age 41 Blood 1/16

Post Office, Brownville, Ark.

Father: Aaron Carlton L

Mother: Mary " D.

Claims through father.

Wife:

Elizabeth Carlton, <sup>Chm</sup> w. L

No claim for her,

Children:

John Carlton	20
Ed " "	18
Mary " "	16
Sarah " "	14
Jonathan	12.
William H " "	10

(Claim for self + 6 minor children)

H. H. Haines

IN RE APPLICATION OF LAYTON CARLTON, ET AL. M.C.R. 7204.

Reference is made to M.C.R. 538, in which decision  
was approved by the Department August 5, 1902.

RECEIVED FORWARDED DEPARTMENT

MAY 14 1904

*Laton Carlton*  
04 DE 10 REFUSED 7204  
RECEIVED

NOTICE OF DEPARTMENTAL ACTION

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS

RECORD FORWARDED DEPARTMENT

ACTION APPROVED BY  
SECRETARY OF INTERIOR.

FEB 1 1895

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

FEB 2 1895

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

FEB 2 1895

RECEIVED

*Snapp's 1 0 32*

*approved by Secy Aug 5/95*



Choctaw MCR 7205

Claude L. Jones

MCR 7205

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. March 21, 1903.

7205

In the matter of the application of Claude L. Jones for identification as a Mississippi Choctaw.

S.B. Dawes, attorney for applicant.

Claude L. Jones being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Claude L. Jones.  
Q How old are you? A Thirty years old.  
Q What is your post office address? A Shreveport, Louisiana.  
Q How long have you lived in Shreveport? A Four years.  
Q Where did you live before that? A Lake Charles, Louisiana.  
Q How long did you live in Lake Charles? A Two years.  
Q Where did you live before that? A Athens, Texas.  
Q Where were you born? A Cadde Gap, Arkansas.  
Q You lived in Arkansas till you moved to Texas, did you? A Yes sir.  
Q And have since lived in Texas and Louisiana? A Yes sir.  
Q What is your father's name? A Alfred Jones.  
Q Is your father living? A No sir.  
Q What is your mother's name? A Jane P. Jones.  
Q Is your mother living? A Yes sir.  
Q Through which parent do you claim your Choctaw blood? A Under my father.  
Q How much Choctaw blood do you claim? A A sixteenth.  
Q Has your father through whom you claim your right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States? A Not that I know of.  
Q Through which parent does your father claim his Choctaw blood? A From his father.  
Q What was his father's name? A Robert Jones.  
Q What was the name of Robert Jones' wife? A I don't know.  
Q She was a white woman, wasn't she? A Yes sir.  
Q Claimed no Choctaw blood? A No sir.  
Q Through which one of his parents did Robert Jones derive his Choctaw blood? A Through his mother.  
Q What was her name? A Rebecca Box.  
Q How much Choctaw blood did Rebecca Box have? A One half.  
Q What was her husband's name, do you know? A Her husband's name was William; he was known as Bill Jones.

Q He was a white man; claimed no Choctaw blood? A No sir.  
 Q How old would your father be if he were living now? A He would be 79.  
 Q Are you married? A Yes sir.  
 Q What is your wife's name? A Annie O. Jones.  
 Q She is a white woman? A Yes sir.  
 Q Claims no Choctaw blood? A No sir.  
 Q Is she living? A Yes sir.  
 Q You make no claim for her? A No sir.  
 Q Have you any children for whom you wish to apply? A No sir.  
 Q This application then is for yourself alone? A Yes sir.  
 Q Is your name to be found upon any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir, I presume not.  
 Q Did you ever make application to the Choctaw tribal authorities in the Indian Territory to be enrolled as a member of that tribe?  
 A No sir not previous to this.  
 Q Did you or anyone for you in the year 1896 make application to this Commission for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No sir.  
 Q Is this the first application of any description for citizenship or enrollment in the Choctaw Nation that has ever been made by you or in your behalf? A Yes sir.  
 Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands under the provisions of article fourteen of the treaty of 1830? A Yes sir.

That article reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Is that the provision of law under which you are claiming your right to identification as a Mississippi Choctaw? A Yes sir.  
 Q What is the name of the ancestor through whom you claim these rights? A Becky Box.  
 Q Your grandfather Robert Jones was married prior to 1830 and was the head of a family at that time wasn't he? A Yes sir.  
 Q Then it is through Robert Jones that you claim your right to be identified as a Mississippi Choctaw? A Yes sir.  
 Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of article fourteen of the treaty of 1830?  
 A I don't know.

Q Were any of your Choctaw ancestors living in the old Choctaw Nation in Mississippi or Alabama in 1830 when this treaty was made?

A I don't know personally; if I am allowed to state the general family history-- that they removed directly after the treaty was made for the purpose of claiming rights under it.

Q Where did they live before then? A Tennessee or Alabama; Tennessee I believe.

Q Your grandfather removed at that time from either Tennessee or Alabama in order to take advantage of that treaty? A That's my understanding.

Q Were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians in Mississippi or Alabama at that time? by that I mean were they recognized by the tribal or United States Governments? A I don't know.

Q Did any of your Choctaw ancestors own an improvement on what constituted the old Choctaw nation in Mississippi and Alabama in 1830? A Not that I know of.

Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 signify to the United States agent in Mississippi at that time their intention to remain in Mississippi, take land there and become citizens of the States? As is provided under article fourteen of the treaty of 1830?

A I don't know sir, personally; I understand they did.

Q Who do you understand complied or attempted to comply with the provisions of article fourteen? A Robert Jones.

Q Your grandfather? A Yes sir.

Q Do you know how he complied with that article? A No sir.

Q Do you know whether he within six months after the ratification of the treaty of 1830 went to Col. Ward the Indian agent and tell him that he wanted to stay in Mississippi and take land there?

A No sir, I don't.

Q Did any of your Choctaw ancestors remove from the old Choctaw Nation in Mississippi and Alabama to the present Choctaw nation in the Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between 1833 and 1838?

A Not that I know of.

Q Did any of your Choctaw ancestors ever claim or receive any land in Mississippi from the Government of the United States under the provisions of article fourteen of the treaty of 1830? A I don't know.

In accordance with the provisions of article fourteen of the treaty of 1830 the Government directed an agent in Mississippi to register the names of those Choctaws who desired to remain in Mississippi, take land there and become citizens of the States. The records of the Government show that this agent failed to register and report to the Government the names of many Choctaws who did signify to him their intention to remain in Mississippi and comply with the provisions of article fourteen of the treaty of 1830 and on this account in many instances land upon which Indians lived and had improvements and which they wanted reserved for them under article fourteen of the treaty of 1830 was sold by the Government at Public Sale and the Choctaws deprived of their land. This caused much complaint among the Choctaws and finally the matter was brought to the attention of Congress and Congress by acts passed in 1837 and 1842 created Commissions who went to Mississippi and heard the claims of Choctaws under article fourteen of the treaty of 1830.

Q Did any of your Choctaw ancestors appear before the Commission appointed in 1837 or before the Commission appointed in 1842 and attempt to have their rights adjudicated under article fourteen of the treaty of 1830? A I don't know.

The act of Congress approved August 23, 1842, provided that in case a Choctaw desired to comply and it should be finally determined that he had complied with all the provisions of article fourteen of the treaty of 1830 but that his land had been sold by the Government that he should be entitled to select land elsewhere in the State of Mississippi or in Alabama, Arkansas or Louisiana to be taken from vacant Government land and that a certificate to that effect should be given him; these certificates were called scrip.

Q Did any of your Choctaw ancestors ever receive any such scrip from the Government under this act of Congress? A Not that I know

Q So far as you know have any of your Choctaw ancestors ever been recognized members of the Choctaw tribe of Indians? A No sir, not that I know of.

Q So far as you know have they ever been recipients of any benefits as such? A No sir, not that I know.

Q Have you any witnesses that you want to call? A No sir.

Q Have you any documentary evidence that you want to present? A No sir.

Q Do you desire time in which to introduce further testimony?

A Yes, the general right.

You will be allowed thirty days from this date within which to present proper testimony before the Commission in support of this application.

Q Do you speak or understand the Choctaw language? A No sir.

Q Have you any further statements you wish to make? A No sir, unless it is that it is a matter of general history that we were related to the Mississippi Choctaw through Becky Box as already stated and that my father spoke Choctaw; one of the earliest recollections that I have is that he ~~had me taught~~ taught me to count in Choctaw which I don't remember now.

Q Your father spoke the Choctaw language? A Yes sir; that is, there was no one to speak the Choctaw language with; he spoke it simply for amusement among the children.

Q You don't know personally that it was the Choctaw language? A No sir.

Q Several of your relatives have appeared before the Commission and made application? A Yes sir.

Q Was Granville Jones a relative of yours? A Yes sir.

Q He appeared yesterday, didn't he? A I presume so.

Q What relation is Willis G. Jones to you? A Uncle.

Reference is made to the case of Willis G. Jones, M.C.R. 6755, for the purpose of consolidation.

7205

This applicant has the appearance of being a white man; dark complected, brown hair dark brown eyes, high cheek bones; has the appearance of possessing some Indian blood. He has no knowledge of the compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case March 21, 1903, and that this is a full, true and correct transcript of his stenographic notes in same.

*Henry G. Hains*

Subscribed and sworn to before me this 2 day of April, 1903.

*Charles H. Sawyer*

Notary Public.



COPY: M.O.R. 7205

Muskogee, Indian Territory, March 17, 1904.

Claude L. Jones,  
Shreveport, Louisiana.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 14, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Willis Cornelius Jones, et al., including you.

You are further notified that you will be allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of that time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*C. R. Breckinridge.*

Commissioner in Charge.

Registered.

COPY.

MCR-7205

Muskogee, Indian Territory, January 23, 1906.

Claude L. Jones,  
Shreveport, Louisiana.

Dear Sir:

You are hereby notified that the Secretary of the Interior, on January 10, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of March 14, 1904, refusing the applications of the several persons included in the consolidated Mississippi Choctaw case of Willis Cornelius Jones, et al., of which, your application for identification as a Mississippi Choctaw is a part.

Respectfully,

SIGNED *Tamie Bixby.*  
Commissioner.



No.

7205

## FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 21 1903

Name

Celande L. Jones.

Age

30.

Blood

7/16

Post Office,

Shreveport, La.

Father:

Alfred Jones D.

Mother:

Jane P. " L.

Claims through

father

Wife: Annie O. Jones w. L.  
(No claim for her,Children:

(Claims for self only,

H. G. Harris

*Blasie de Jones*

DECISION RENDERED.

MAR 14 1904

NOTICE OF DECISION MAILED APPLICANT:

MAR 17 1904

NOTICE OF DECISION FORWARDED  
ATTORNEY FOR APPLICANTS.

MAR 17 1904

NOTICE OF DECISION FORWARDED  
FOR CHOCTAW AND CHICKALAW NATIONS.

MAR 17 1904

RECORDS SECTION DEPARTMENT

ACTION APPROVED BY SECRETARY OF INTERIOR

JAN 19 1906

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

JAN 23 1906

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT.

JAN 23 1906

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKALAW NATIONS.

JAN 23 1906

REFER TO M. C. R.

6700

Copy of testimony in this case furnished S. B. Dawes, April 20/04  
See M C R 6755

Choctaw MCR 7206

John Wade

MCR 7206

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskegee, I.T. March 21, 1903.

7206

In the matter of the application of John Wade for the identification of himself and his four minor children, Maggie, George, Ernest and Macky Wade, as Mississippi Choctaws.

Thomas & Harrison for applicant; no appearance by attorneys

John Wade, being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A John Wade.  
Q How old are you? A Forty one.  
Q What is your post office address? A Big Stone Gap, Virginia.  
Q How long have you lived in Big Stone Gap, Virginia? A I was born and raised there.  
Q Lived there all your life? A Yes sir.  
Q What is your father's name? A Samuel A. Wade.  
Q Is he living? A Yes sir.  
Q What is your mother's name? A Annie Wade.  
Q She living? A Yes sir.  
Q Through which one of your parents do you claim your Choctaw blood? A Through my mother.  
Q How much Choctaw blood do you claim? A About the fifth I believe.  
Q You are not sure about that, are you? A No sir.  
Q Has your mother through whom you claim your right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States? A Not that I knew of.  
Q Through which one of her parents does your mother claim her Choctaw blood? A Through her mother I believe it is.  
Q What was her mother's name? A Lucinda.  
Q Lucinda what? A You mean her maiden name?  
Q Yes sir. A Lucinda Hanks.  
Q What was her husband's name? A Henry Evans.  
Q How old is your mother at this time? A Well, I don't know as I can tell just to a year.  
Q About how old? A About fifty five.  
Q Is Lucinda Evans, your grandmother, living? A No sir.  
Q Do you know how old she would be if living now? A No sir, I don't know that I do.  
Q Through which of her parents did she claim her Choctaw blood? A From her father I think.  
Q What was her father's name? A I don't know, I know  
Q The name.

- Q Do you know Lucinda's mother's name? A I don't know personally I understand her name was Lydia.
- Q What was Lydia's maiden name? A She was a Harper I think.
- Q Wasn't it through her mother then, Lydia Harper, that Lucinda Evans claimed her Choctaw blood? A Well, I don't know as I can say.
- Q Well, didn't Lydia Harper have the Choctaw blood? A Yes sir.
- Q Well, then it was through her mother that Lucinda Evans claimed? A Yes sir.
- Q Through which one of her parents did Lydia Harper claim her Choctaw blood? A I don't know.
- Q You are not able to trace your ancestry any farther back than Lydia Harper? A No sir.
- Q Did you ever hear that the names of the parents of Lydia Harper were Polly Ann and John Harper? A I have heard my mother say it was.
- Q John Harper and Polly Ann Harper then were your great great grandparents? A Yes sir.
- Q Are you married? A Yes sir.
- Q What is your wife's name? A Emma Wade.
- Q She is a white woman? A Yes sir.
- Q Claims no Choctaw blood? A No sir.
- Q You make no claim for her? A No sir.
- Q She's living, is she? A Yes sir.
- Q What are the names and ages of your minor children for whom you wish to apply? A First one's name is Maggie.
- Q How old is Maggie? A 12 years old.
- Q Next? A George.
- Q How old is George? A Ten.
- Q Next? A Ernest.
- Q How old is Ernest? A Five.
- Q Next? A Macky.
- Q Is that a boy or girl? A Girl.
- Q How old is Macky? A Three months old.
- Q This application then is for yourself and four minor children? A Yes sir.
- Q You are the father of these children? A Yes sir.
- Q Is Emma Wade the mother? A Yes sir.
- Q These children claim their Choctaw blood through you? A Yes sir.
- Q When were you married to Emma Wade? A 1887 I think.
- Q Under license? A Yes sir.
- Q Have you any evidence of your marriage with you now? A No sir.

It will be necessary that you produce such evidence in support of the application which you make for these children; you will be allowed thirty days in which to furnish this.

- Q Is your name or the name of any of these minor children to be found upon any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
- Q Did you or anyone for you or for your minor children in the year 1896 make application to this Commission for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No sir.
- Q Did you or anyone for you or your children ever make application to the Choctaw tribal authorities in the Indian Territory to be enrolled as members of that tribe? A No sir.

Q Is this the first application of any description for citizenship or enrollment in the Choctaw Nation that has ever been made by you or in your behalf? A Yes sir.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands Indian Territory under the provisions of article fourteen of the treaty of 1830?

A Yes sir.

Article fourteen of the treaty of 1830 reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Is that the provision of law under which you are claiming for yourself and minor children the right to identification as Mississippi Choctaws? A Yes sir.

Q You understand that article, do you? A Well, principally I do.

Q You understand it sufficiently to claim under it? A Yes I do.

Q What is the name of your Choctaw ancestor through whom you claim your right to identification as a Mississippi Choctaw? A John Harper I think.

Q And his wife, Polly Ann Harper? A Yes sir.

Q How much Choctaw blood did John Harper and Polly Ann Harper have? A Well, I have understood that he was full blood.

Q And she was full blood too, was she? A I don't know about that—whether she was or not.

Q Then you don't know how much Choctaw blood you have? A No sir.

Q When you stated a while ago that you were one fifth Choctaw blood you just made a guess at it, didn't you? A Well, yes, I just supposed so; I don't know for certain; I just guess so.

Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A I don't know.

Q Were any of your Choctaw ancestor living in the old Choctaw Nation in Mississippi and Alabama in 1830 when this treaty was made? A I don't know.

Q Were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians at that time? A I don't know.

Q Did any of your Choctaw ancestors own an improvement at that time upon what constituted the old Choctaw Nation in Mississippi and Alabama? A I don't know.

Q Did any of your Choctaw ancestors remove from the old Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation in the Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 to 1838? A I don't know.

Q Did any of your Choctaw ancestors within six months from the ratification of the treaty of Dancing Rabbit Creek signify to the agent of the Government in Mississippi at that time their intention to remain in Mississippi, take land there and become citizens of the States as is provided under article fourteen of the treaty of 1830? A I don't know whether they did or not.

Q Did any of your Choctaw ancestors ever claim or receive any land in Mississippi from the Government of the United States under the provisions of article fourteen of the treaty of 1830? A I don't know.

In accordance with the provisions of article fourteen of the treaty of 1830 the Government directed an agent in Mississippi to register the names of those Choctaws who might desire to remain in Mississippi, take land there and become citizens of the States. The records of the Government show that this agent failed to register and report to the Government the names of many Choctaws who really did signify to him their intention to remain in Mississippi and comply with the provisions of article fourteen of the treaty of 1830 and on this account in many instances the land upon which Indians lived and had improvements and desired reserved for them under article fourteen of the treaty was sold by the Government at Public Land Sale and the Choctaws deprived of their land. This caused a great deal of complaint among the Choctaws and finally the matter was brought to the attention of Congress and Congress by acts passed in 1837 and 1842 created Commissions who went to Mississippi and heard the claims of Choctaws under article fourteen of the treaty of 1830.

Q Did any of your Choctaw ancestors appear before the Commission appointed in 1837 or before the Commission appointed in 1842 and attempt to establish their rights under article fourteen of the treaty of 1830? A I don't know.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with all the provisions of article fourteen of the treaty of 1830 but that his land had been sold by the Government that he should be entitled to select land elsewhere in Mississippi, or in Alabama, Arkansas or Louisiana to be taken from vacant Government land and that a certificate to that effect should be given him; these certificates were called scrip.

Q Did any of your Choctaw ancestors ever receive any such scrip from the Government under this act of Congress? A Not that I knew of.



- Q So far as you were any of your Choctaw ancestors ever recognized members of the Choctaw tribe of Indians? A No sir.  
 Q So far as you know did they ever receive any benefits as such? A No sir.  
 Q Have you any witnesses you desire to introduce? A No sir.  
 Q Have you any documentary evidence you wish to present? A No sir.  
 Q Do you desire time in which to introduce further testimony? A Yes sir.

You will be allowed thirty days from this date within which to introduce proper testimony before this Commission in support of this application.

- Q Do you speak or understand the Choctaw language? A No sir.  
 Q Have you any further statements you wish to make? A No sir.  
 Q Have any of your relatives been before the Commission prior to this time to make application? A Yes sir.  
 Q Is Christopher C. Hanks a relative of yours? A Yes sir.  
 Q Do you know what relation he is? A About 3rd or 4th cousin.

Reference is made to the case of Christopher C. Hanks, M.C.R. 6508, for the purpose of consolidation.

Applicant has the appearance of being a white man; shows no indications of being possessed of Choctaw blood; dark complexion, brown hair, brown eyes; has no knowledge of the compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

-----

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes reported the proceedings above on March 21, 1903, and that this is a full, true and correct transcript of his stenographic notes in same.

*Henry G. Hains*

Subscribed and sworn to before me this 2 day of April, 1903.

*Charles McLawrence*

Notary Public.

M C R 7206

Muskogee, Indian Territory, April 10, 1903.

John B. Wade,

Big Stone Gap, Virginia.

Dear Sir:

Receipt is hereby acknowledged of your letter, without date, enclosing certified copy of marriage license between John C. B. Wade and Emma Hly, offered in support of the application made by you for the identification of yourself and children as Mississippi Choctaws. The same has been filed with the record in your case.

Respectfully,

Chairman.

M.C.R. 7206.

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,

Attorneys at Law,

Muskogee, Indian Territory,

Gentlemen:

You are hereby advised that the Commission has this day notified John Wade that he will be allowed thirty days from this date in which to submit further evidence in support of the application of himself and minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Commissioner in Charge.

M.C.R. 7206.

Muskegee, Indian Territory, November 6, 1903.

John Wade,

Big Stone Gap, Virginia,

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of yourself and minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Commissioner in Charge.

M C R 7206

Muskogee, Indian Territory, March 19, 1904.

John Wade,

Big Stone Gap, Virginia.

Dear Sir:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which the application made by you for the identification as Mississippi Choctaws of yourself and your four minor children, Maggie, George, Ernest and Macky Wade, was made a part, refusing said application.

You are further advised that a copy of such decision has been furnished your attorneys of record, Thomas & Harrison, Muskogee, Indian Territory; that the record will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted, together with such argument and brief as may be submitted by the applicants and their attorneys, to the Secretary of the Interior for his consideration.

Respectfully,

Registered

Commissioner in Charge.

M C R 7206

Muskogee, Indian Territory, June 26, 1905.

John Wade,

Big Stone Gap, Virginia.

Dear Sir:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 19th day of March, 1904.

Respectfully,

Chairman.

4

No.

7206

## FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 21 1903

Name

John Wade

Age

41.

Blood

Does know

Post Office,

Big Stone Gap, Va

Father:

Samuel A. Wade L.

Mother:

Annie " L.

Claims through

Mother

Wife: Emma Wade w. L.

No claim for him

Children:

Maggie Wade	12
George "	10
Ernest "	5
Net Nucky (F)	3 mos.

(Claims for self & 4 minor children)

Stenographer

H. L. Staines

A MISSISSIPPI

John Wade, et al

DECISION RENDERED.

MAR 4 1904

COPY OF DECISION FORWARDED  
ATTORNEYS FOR CHOCTAW AND  
CHICKASAW NATIONS.

MAR 4 1904

NOTICE OF DECISION MAILED APPLICANT. MAR 19 1904

COPY OF DECISION FORWARDED  
ATTORNEY FOR APPLICANT.

MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED BY  
SECRETARY OF INTERIOR.

MAR 25 1905

NOTICE OF DEPARTMENTAL  
ACTION MAILED APPLICANT.

JUN 10 1904

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANTS

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

REFER TO M. C. R. 5670



Choctaw MCR 7207

Albert Barker

MCR 7207

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. March 21, 1903.

7207

In the matter of the application of Albert Barker for identification as a Mississippi Choctaw.

Albert Barker being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Albert Barker.  
Q How old are you? A Forty five.  
Q What is your post office address? A Hickory Flat, Mississippi.  
Q How long have you lived at Hickory Flat, Mississippi? A All my life; I have been raised right around close to there.  
Q What County is that in? A Benton County.  
Q Born in Mississippi and lived there all your life? A Yes sir.  
Q What is your father's name? A Nelson Barker.  
Q He is living? A Yes sir.  
Q What is your mother's name? A Abbie Barker.  
Q Is she living? A Yes sir.  
Q Through which one of your parents do you claim your Choctaw blood? A Father.  
Q How much Choctaw blood do you claim? A One fourth.  
Q How old is your father at this time? A Eighty five.  
Q What was his blood other than Choctaw? A I don't know sir.  
Q Has your father any negro blood? A White I suppose.  
Q Has your father any negro blood? A Well, it is from his mother's side.  
Q Your father was a slave, was he? A Yes sir.  
Q And your mother was a slave? A Yes sir.  
Q Your mother was a negro, was she? A Yes sir.  
Q Were your father and mother married? A Yes sir.  
Q Where were they married? A In Mississippi.  
Q Married in slavery times? A Yes sir.  
Q How long did they live together as man and wife? A I don't know exactly fifty some years. I don't know exactly to the date.  
Q You were born a slave were you? A Yes sir.

It will be necessary that the Commission be supplied with evidence of the marriage of your father and mother in support of this application.

- Q Has your father, through whom you claim your right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States? A Not as I know of.  
Q Are you married? A No sir.

Q Never have been married? A No sir.  
 Q This application then is for yourself alone? A Yes sir.  
 Q Through which one of his parents does your father claim his Choctaw blood? A Father.  
 Q What was his father's name? A Tishomingo they always told me.  
 Q Did you ever hear of your grandfather having any other name besides Tishomingo? A No sir, never--  
 Q Did you ever hear that he was sometimes called Aberdeen? A No sir.  
 Q What was Nelson Barker's mother's name? A Mary McKay.  
 Q She was a negro was she? A Yes sir.  
 Q She claimed no Choctaw blood? A None as I know of.  
 Q Your father simply claims his Choctaw blood through his father? A Yes sir.  
 Q And you say that your father's father's name was Tishomingo? A Yes sir.  
 Q You are sure of that? A That's what my father have told me.  
 Q Is your name to be found upon any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.  
 Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as a member of that tribe? A No sir, none before today.  
 Q Did you or anyone for you in the year 1896 make application to this Commission for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No sir.  
 Q Is this the first application of any description for citizenship or enrollment in the Choctaw Nation that has ever been made? A Yes sir.  
 Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands under article fourteen of the treaty of 1830 or Dancing Rabbit Creek? A Yes sir.

Article fourteen of the treaty of 1830 reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q That is the provision of law under which you are claiming your right to identification as a Mississippi Choctaw? A Yes sir.  
 Q You understand that article, do you? A Yes sir.  
 Q What is the name of your ancestor your foreparent through whom you claim these rights? A Nelson Barker.

- Q Your father? A Yes sir.
- Q Do you know when your father was married to your mother?
- A No sir I don't; in slavery time.
- Q Then your father was the ancestor through whom you claim your rights? A Yes sir; I claim through my father and through his father.
- Q All of your ancestors so far as you know have always been slaves?
- A Yes sir.
- Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of article fourteen of the treaty of 1830?
- A Not as I know of.
- Q Were any of your ancestors living in the old Choctaw Nation in Mississippi and Alabama in 1830 when this treaty was made? A Not as I know of.
- Q Were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians at that time? A Not as I know.
- Q Did any of your Choctaw ancestors own an improvement in 1830 upon what constituted the old Choctaw Nation in Mississippi and Alabama? A Not as I know of.
- Q Did any of your Choctaw ancestors remove from the old Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between 1833 to 1838? A Not that I know of.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 signify to the agent of the Government at that time in Mississippi their intention to stay in Mississippi and become citizens of the States? A I don't know.

In accordance with the provisions of article fourteen of the treaty of 1830 the Government directed an agent in Mississippi to register the names of those Choctaws who might desire to remain in Mississippi and take land under article fourteen; this agent neglected to register a great many names and on account of complaints made, by Congress in 1837 and 1842 created Commissions who were empowered to go to Mississippi and investigate the claims of Choctaws under article fourteen of the treaty of 1830.

- Q Did any of your ancestors appear before the Commission appointed in 1837 or before the Commission appointed in 1842 and attempt to have their rights adjudicated under article fourteen of the treaty of 1830? A Not as I know of.
- Q Did any of your ancestors ever receive any scrip from the Government under the act of Congress approved August 23, 1842, which provided that if a Choctaw's land had been sold and he was afterwards shown to be entitled to it he should be entitled to select land elsewhere and scrip should be given to that effect.
- Q Not as I know of; no sir.
- Q So far as you know have any of your ancestors ever been recognized members of the Choctaw tribe of Indians? A Not as I know of.
- Q So far as you know have they ever received any benefits as such?
- A No sir.
- Q Have you any witnesses you desire to call? A No sir, not at this time.
- Q Have you any documentary evidence to present? A No sir.
- Q Do you desire time in which to present further testimony?
- A Yes sir.

Thirty days time is allowed for this purpose.

7207-----4

Q Do you speak or understand the Choctaw language? A No sir.  
Q Any further statements you wish to make? A No sir.  
Q Your father, Nelson Barker, appeared before the Commission yesterday and made application? A Yes sir.  
Q Do you desire your case considered with his? A Yes sir.  
Q He is the only one of your relatives who has appeared? A Yes sir.

Reference is made to the case of Nelson Barker, 7141, for the purpose of consolidation.

This applicant has the appearance of being negro; shows no indications of being possessed of Choctaw blood; has no knowledge of any compliance on the part of any of his ancestors with the provisions of article fourteen of the treaty of 1830.

----

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings above on March 21, 1903, and that this is a full, true and correct transcript of his stenographic notes in same.

*Henry G. Hains.*

Subscribed and sworn to before me this 11 day of April, 1903.

*Charles H. Sawyer*

Notary Public.

Muskogee, Indian Territory, October 29, 1903.

Albert Barker,

Hickory Flat, Mississippi.

Dear Sir:

You are hereby advised that on the 29th day of October, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Nelson Barker, et al., embracing the following applications for identification as Mississippi Choctaws:

Nelson Barker,	M.C.R. 7141
Jim Barker, et al.,	M.C.R. 7217
Albert Barker,	M.C.R. 7207.

These applications were made under the provision of the Act of Congress of June 28, 1898 (30 Stat., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Nelson Barker, Jim Barker, John H. Barker and Albert Barker, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen

days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*T. B. Needles.*

Commissioner in Charge.

Registered.

REFER IN REPLY TO THE FOLLOWING

DEPARTMENT OF THE INTERIOR.  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Jan 6/06

Copy of testimony & decision  
furnished H. L. Thurman, atty,  
Muskegon, this date.

Wm



5

No. 7207

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 21 1903

Name *Albert Barker*

Age *45* Blood *1/4*

Post Office, *Nickonyflat, Miss*

Father: *Nelson Barker, 1/2 Slave*

Mother: *Abbie " 1/2 Slave*

Claims through *father*

~~Childhood~~

*(Claims for self alone,*

Stenographer *A. G. Hains*

A MISSISSIPPI CHOOTAW.

Albert Barker

REFUSED.

RECORD FORWARDED DEPARTMENT.

NOV 11 1903

ACTION / ED BY  
SECRETARY OF INTERIOR.

FEB 11 1904

NOTICE  
ACTION

ENTAL  
CANT.

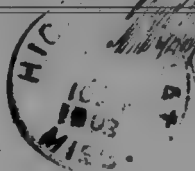
ENTAL ACTION  
FORM  
AND

REFER TO M.C.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**

NOV 7 1903



CHAIRMAN



12652



Department of the Interior.

Commission to the Five Civilized Tribes,  
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Registered  
no 51  
no 51

Albert Barker,

~~Hickory Flat, Mississippi.~~

Muskogee

Ind. Ter



Choctaw MCR 7208

Herman P. Cheatham

MCR 7208

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. March 21, 1903.

7208

In the matter of the application of Herman P. Cheatham for the identification of himself and his two minor children, Stacy S. and Marie D. Cheatham, as Mississippi Choctaws.

Thomas & Harrison, attorneys; no appearance by attorney.

Herman P. Cheatham being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Herman P. Cheatham.  
Q How old are you? A Thirty one.  
Q What is your post office address? A Paris, Kentucky.  
Q How long have you lived in Paris, Kentucky? A Nine years.  
Q Where did you live before that? A Carlisle, Kentucky.  
Q Were you born in Kentucky? A Yes sir.  
Q Lived there all your life? A No sir, lived in Texas eight years.  
Q When was that? A I went to Texas when I was 13 years old; in 1884.  
Q With the exception of the eight years you lived in Texas, have you lived in Kentucky all your life? A Yes sir.  
Q What is your father's name? A Greenberry Cheatham.  
Q Is he living? A Yes sir.  
Q What is your mother's name? A Melvina.  
Q Is she living? A Yes sir.  
Q Through which parent do you claim your Choctaw blood? A My father.  
Q How much Choctaw blood do you claim? A One eighth.  
Q Has your father through whom you claim your right to be identified as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States? A No sir.

- Q Through which parent does your father derive his Choctaw blood?  
Q His father.  
Q What is his father's name? A John Cheatham.  
Q What is your father's mother's name? A Harriet Cheatham.  
Q She was a white woman, wasn't she? A Yes sir.  
Q Claimed no Choctaw blood? A No sir.  
Q Through which one of his parents does John Cheatham claim his Choctaw blood? A Through his mother Polly Harper.  
Q What was the name of Polly Harper's husband? A John Cheatham.  
Q That was your great grandfather? A Yes sir.  
Q Your great grandfather, John Cheatham was a white man, was he?  
A Yes sir.  
Q And claimed no Choctaw blood? A No sir.  
Q Through which one of her parents did Polly Cheatham claim her Choctaw blood? A John Harper her father; John Harper married a Polly Harper full blood Choctaw; they were both full blood Choctaws.  
Q Do you know whether either of them had a Choctaw Indian name?  
A I think he did.  
Q Do you know what that Indian name was? A Hopiah I think it was.  
Q How old is your father at this time? A In the seventies; I don't know exactly.  
Q Then his ~~xxxxx~~ father and mother John Cheatham and Harriet Cheatham were married prior to 1830 were they? A I don't know.  
Q Do you know the exact date of their marriage? A I don't know.  
Q Did your father ever have any older brothers or sisters? A I don't know; he had some brothers and sisters; I don't know whether they were older or not.  
Q Are you married? A Yes sir.  
Q What is your wife's name? A Lula Cheatham.  
Q She is a white woman? A Yes sir.  
Q Claims no Choctaw blood? A No sir.  
Q You make no claim for her? A No sir.  
Q Have you any minor children for whom you wish to apply? A Two.  
Q What are their names and ages? A Stacy S. Cheatham, three years old; Marie B Cheatham, two.  
Q You are the father of these children? A Yes sir.  
Q Lula Cheatham the mother? A Yes sir.  
Q These children claim their Choctaw blood through you? A Yes sir.  
Q This application then is for yourself and two minor children?  
A Yes sir.  
Q When and where were you married to Lula Cheatham? A Carlisle, M Nicholas County, Kentucky. April 18, 1894.  
Q Married under a license? A Here it is.

Applicant presents certified copy of marriage certificate between H.P.Cheatham and Lula A. Feedback which is filed, marked Exhibit "A" and made a part of the record herein.

- Q Have you any evidence of the marriage of your father and mother with you at this time? A Not with me.  
Q Has your father appeared before the Commission prior to this time? A I think so.  
Q Do you know whether he furnished evidence of his marriage at that time? A Yes sir.

H.P.Cheatham----3

Q Is your name or the name of either one of these children to be found upon the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.

Q Did you or anyone for you in the year 1896 make application to this Commission for citizenship in the Choctaw Nation under the act of Congress approved June 10, 1896? A I don't know; I didn't.

Q Did you or anyone for you ever make application to the Choctaw tribal authorities for citizenship in the Choctaw Nation?

A No sir.

Q This is the first application of any description for citizenship or enrollment in the Choctaw Nation that you have ever made?

A Yes sir.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A Yes sir.

Article fourteen of the treaty of Dancing Rabbit Creek reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Is that the provision of law under which you are claiming your right to identification as a Mississippi Choctaw? A Yes sir.

Q You understand that article, do you? A Yes sir.

Q What is the name of your Choctaw ancestor through whom you claim your rights? A John Harper.

Q And his wife Polly? A Yes sir.

Q They were both full blood Choctaw Indians? A Yes sir.

Q John and Polly Harper were your great great grandparents, were they not? A Yes sir.

Q You had a less remote ancestor than John or Polly Harper who was living in 1830 and head of a family at that time in the person of your grandfather, John Cheatham, didn't you? A Yes sir.

Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A Yes sir.

Q Which one of your ancestors complied with that article of that treaty? A John Harper.



H.P.Cheatham----4

- Q Was any compliance made by your grandfather, John Cheatham, with that article of that treaty? A I don't know.
- Q Do you know where your grandfather, John Cheatham, was living in 1830 when this treaty was made? A I don't know.
- Q Do you know where he was born? A No sir.
- Q When did your grandfather, John Cheatham, die? A I don't know.
- Q Know about when? A I don't.
- Q Did any of your ancestors reside in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A Yes sir.
- Q Which of your ancestors lived there at that time? A John Harper.
- Q Was John Harper living in Mississippi or Alabama in 1830? A I don't know for certain but I think he was; in fact, I don't know.
- Q Were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians in Mississippi or Alabama in 1830 when this treaty was made? A I don't know.
- Q Did any of them own an improvement at that time upon what constituted the old Choctaw Nation in Mississippi or Alabama? A I think so.
- Q Which one of your ancestors owned an improvement there? A John Harper.
- Q Where was that improvement located? A I don't know.
- Q Did your grandfather, John Cheatham, own an improvement in Mississippi at that time? A I don't know.
- Q Did any of your Choctaw ancestors remove from the old Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between 1833 and 1838? A I don't know; I think so.
- Q You think they removed from Mississippi and Alabama to the Indian Territory here between 1833 and 1838? A That's my understanding.
- Q Which ones of your ancestors removed from Mississippi to the Indian Territory? A I think John Harper; I won't answer that question; I don't know about that; I was mixed up.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of Dancing Rabbit Creek signify to the agent of the Government in Mississippi at that time their intention to remain in Mississippi, take land there and become citizens of the States as is provided under article fourteen of the treaty of 1830? A They did.
- Q Did John Cheatham, your grandfather, appear before Col. Ward the Indian agent within six months after the ratification of the treaty of 1830 and signify his intention to stay in Mississippi, and take land under that article? A I don't know whether he did or not but my understanding is that John Harper appeared before the Commission for registration and was refused.
- Q When was that? A At the time of that treaty I suppose.
- Q Was John Harper living at that time in Mississippi or Alabama? A I don't know where he was living.
- Q Did he secure any land at that time under the provisions of article fourteen of the treaty of 1830? A I don't know.
- Q Do you know whether the attempt that he made to secure land directly after the treaty of 1830 was under article fourteen, of that treaty? A I don't know.

In accordance with the provisions of article fourteen of the treaty of 1830 the Government directed an agent in Mississippi

to register the names of those Choctaws who really did desire to remain in Mississippi take land there and become citizens of the States; the records of the Government show that this agent failed to register and report to the Government the names of many Choctaws who did signify to him their intention to remain in Mississippi and comply with the provisions of article fourteen of the treaty of 1830 and on this account in many instances the land upon which the Indians lived and had improvements and which they desired reserved for them under article fourteen of the treaty of 1830 was sold by the Government at Public Land Sale and the Choctaws deprived of their land; this caused a great many complaints among the Choctaws and finally the matter was brought to the attention of Congress and Congress by acts passed in 1837 and 1842 created Commissions who went to Mississippi and heard the claims of Choctaws under article fourteen of the treaty of 1830.

Q Did any of your ancestors appear before the Commission appointed in 1837 or before the Commission appointed in 1842 and attempt to have their rights adjudicated under article fourteen of the treaty of 1830? A I don't know.

The act of Congress approved August 23, 1842, provided that if it should be finally determined that a Choctaw had complied with all the provisions of article fourteen of the treaty of 1830 but that his land had been sold by the Government that he should be entitled to select land elsewhere in Mississippi or in Alabama, Louisiana or Arkansas to be taken from vacant Government land and that a certificate to that effect should be given to him; these certificates were called scrip.

Q Did any of your ancestors ever receive any such scrip from the Government under this act of Congress? A I don't know.

Q So far as you know were any of your ancestors ever recognized members of the Choctaw tribe of Indians? A I don't know.

Q So far as you know did they ever receive any benefits as such? A I don't know.

Q Have you any witnesses you desire to call at this time? A No sir.

Q Have you any documentary evidence you desire to present? A No sir.

Q Do you desire time in which to present further testimony? A Yes sir.

Thirty days time will be allowed this applicant in which to present proper evidence before the Commission in support of this application.

Q Do you speak or understand the Choctaw language? A No sir.

Q Are there any further statements you wish to make? A None.

Q Several of your relatives have appeared before the Commission and made application? A Yes sir.

Q Your father, Greenberry Cheatham has made application? A I believe so.

H.P.Cheatham----6

Q What relation is Christopher C. Hanks to you if any? A Third cousin.

Q Do you desire your case consolidated with the cases of relatives of yours claiming through the same common ancestor? A Yes sir.

reference is made to the case of C.C.Hanks, M.C.R. 6508, for the purpose of consolidation.

This applicant has the appearance of being a white person; shows no indication of being possessed of Choctaw blood; brown hair, light complexion, blue eyes; has no knowledge of any compliance on the part of any of his ancestors with the provisions of article fourteen of the treaty of 1830.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause March 21, 1903, and that this is a full, true and correct transcript of his stenographic notes in same.

*Henry G. Hains*

Subscribed and sworn to before me this 11 day of April, 1903.

*Charles H. Sawyer*

Notary Public.

M.C.R.7208.

Muskogee, Indian Territory, November 6, 1903.

Herman P. Cheatham,

Paris, Kentucky,

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of yourself and minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Commissioner in Charge.

M.C.R. 7208.

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,

Attorneys at Law,

Muskogee, Indian Territory,

Gentlemen:

You are hereby advised that the Commission has this day notified Herman P. Cheatham that he will be allowed thirty days from this date in which to submit further evidence in support of the application of himself and minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, March 19, 1904.

Herman P. Cheatham,

Paris, Kentucky.

Dear Sir:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which the application made by you for the identification as Mississippi Choctaws of yourself and your two children, Stacy S., and Marie D. Cheatham, was made a part, refusing said application.

You are further advised that a copy of such decision has been furnished your attorneys of record, Thomas & Harrison, Muskogee, Indian Territory; that the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted to the Secretary of the Interior for his consideration with such argument and brief as may be submitted by your attorneys of record.

Respectfully,

Registered

Commissioner in Charge.

M C R 7208

Muskegee, Indian Territory, June 26, 1905.

Herman P. Cheatham,  
Paris, Kentucky.

Dear Sir:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 19th day of March, 1904.

Respectfully,

Chairman.

b

No. 7208

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 21 1903

Name Herman P. Cheatham

Age 31 Blood 1/8.

Post Office, Paris, Ky.

Father: Greenberry Cheatham L.

Mother: Melvina " L.

Claims through father

Wife: Lula Cheatham w.  
(No claim for her,

Children:

Stacy S. Cheatham 3

Marie D. " 2

(Claims for self & 2 minor  
children)

Stenographer H. H. Haina



A MISSISSIPPI CHOCOTAW

Herman P. Cheatham, et

DECISION RENDERED.

MAR 4 1904

COPY OF DECISION FORWARDED  
ATTORNEYS FOR CHOCOTAW AND  
CHICKASAW NATIONS.

MAR 4 1904

NOTICE OF DECISION MAILED APPLICANT. MAR 19 1904

COPY OF DECISION FORWARDED  
ATTORNEY FOR APPLICANT.

MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED BY  
SECRETARY OF INTERIOR.

MAR 21 1905

NOTICE OF DEPARTMENTAL  
ACTION MAILED APPLICANT.

JUN 14 1905

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT.

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCOTAW  
AND CHICKASAW NATIONS.

REFER TO M. C. R. 587.0

Choctaw MCR 7209

Melvina Hood

MCR 7209

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---o---

In the matter of the application of Melvina Hood, et al.  
for identification as Mississippi Choctaws, M.C.R. 7209.

List of papers forwarded to the Secretary of the Interior  
comprising the record in the above case.

(Page)

Original application of Melvina Hood, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Decision of the Commission refusing the ap- plication of Melvina Hood, et al., for iden- tification as Mississippi Choctaws-----	7

---o---

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. March 21, 1903.

7209

In the matter of the application of Melvina Hood for the identification of herself and her two minor children, Aurena and Louie Hood, f as Mississippi Choctaws.

S.W. Isaac, attorney for applicant:

Melvina Hood being sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Melvina Hood.  
Q How old are you? A Twenty four.  
Q What is your post office address? A Pittsburg, Texas.  
Q How long have you lived at Pittsburg, Texas? A Four years.  
Q Where did you live before that? A In Morris County.  
Q Were you born in Texas? A Yes sir.  
Q Lived in Texas all your life? A Yes sir.  
Q What is your father's name? A Bill Hood.  
Q Is he living? A No sir.  
Q What is your mother's name? A Jennie Hood.  
Q Is she living? A Yes sir.  
Q Through which one of your parents do you claim your Choctaw blood? A Mother.  
Q How much Choctaw blood do you claim? A One fourth.  
Q Has your mother through whom you claim your right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States?  
A No sir.  
Q Was your father a slave? A Yes sir.  
Q He was a negro, was he? A Yes sir.  
Q Was your mother a slave? A Yes sir.  
Q Her blood besides Choctaw blood, was negro blood, was it?  
A Yes sir.  
Q Through which parent did your mother claim her Choctaw blood?  
A From her mother.  
Q What was her mother's name? A Elvira Jacob.  
Q Was she a slave? A No sir.  
Q Sure about that? A Mama says she wasn't.  
Q What was your mother's father's name? A I don't know that.  
Q He was a colored man, was he? A No sir; he was Indian; Choctaw.  
Q Your mother's father was a Choctaw Indian? A Yes sir.  
Q And what was your mother's mother's blood? A She was full.  
Q Full blood what? A Choctaw, she says.

- Q You stated a few moments ago that you claimed your Choctaw blood through your mother and that your mother claimed her Choctaw blood through her mother? A Yes sir.
- Q And now you state that your mother's father was a full blood Choctaw? A No sir, my mother was.
- Q What was her father's blood? A Negro.
- Q And you say that your mother's mother was a full blood Choctaw? A Yes sir.
- Q Your mother claims one half, does she? A Yes sir.
- Q Do you know the names of Elvira Jacob's parents? A No sir.
- Q How old is your mother? A About fifty five.
- Q You are not able to trace your Choctaw ancestry any farther back than to your grandmother, Elvira Jacob? A No sir.
- Q Are you married? A No sir.
- Q Ever been married? A Yes sir.
- Q Sure about that? A No sir; the way it was, I run away to marry and they said it was a false license and they got after him and he run off.
- Q Who ran off? A My husband; they said it wasn't any license; they said they just pretended we was married.
- Q Have you any children that you want to apply for? A Yes sir.
- Q What are their names? A Aurena.
- Q Aurena what? A Hood.
- Q How old is Aurena? A Four years old.
- Q What is the name of your next child? A Louie.
- Q Louie Hood? A Yes sir.
- Q How old is Louie? A Two and a half years old.
- Q What is the name of the father of these children? A Wyley Wilson.
- Q What is his blood? A I don't know sir.
- Q Is he a negro? A Yes sir.
- Q You were never married to him? A No sir.
- Q This application then is for yourself and two children? A Yes sir.
- Q Is your name or the name of either of these children to be found upon any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Did you or anyone for you ever make application to the Choctaw tribal authorities in the Indian Territory to be enrolled as a member of that tribe? A No sir.
- Q Did you or anyone for you in the year 1896 make application to this Commission for citizenship in the Choctaw Nation under the act of Congress approved June 10, 1896? A No sir.
- Q Is this the first application of any description for citizenship or enrollment in the Choctaw Nation that has ever been made by you or in your behalf? A Yes sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the provisions of article fourteen of the treaty of 1830? A I don't know if I understand it.

The treaty of 1830 was entered into in the State of Mississippi on the 27th day of September 1830 between the United States and the Choctaw Indians; at the time this treaty was made the Choctaws occupied a portion of the State of Mississippi and a small portion of the State of Alabama. The object of this treaty was to remove the Choctaws from the old Choctaw Nation there in

Mississippi and Alabama to the new Nation here in the Indian Territory, but at the time this treaty was made some of the Choctaws didn't want to come. Provision was made in the treaty whereby those that wanted to stay there in Mississippi could go to the Indian agent whose name was Col. Ward and tell him that they wanted to stay there and take land and by so doing, if they lived on that land five years they could get a patent to it from the Government. That provision is contained in the fourteenth article of the treaty that article reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Is that the provision of law under which you are claiming your right to identification as a Mississippi Choctaw? A I don't know.
- Q Is that the law you claim under? --
- Q That is the only law I can hear you under? A Yes sir.
- Q What is the name of your ancestor through whom you claim your right to identification as a Mississippi Choctaw? A Elvira Jacob.
- Q Your grandmother? A Yes sir.
- Q How much Choctaw blood did she have? A Full blood.
- Q Where was she born? A Mississippi.
- Q What part of Mississippi? A I think ma said Jackson County.
- Q Is Elvira Jacob living? A Not that I know of.
- Q Do you know how old she would be if living? A According to what mama said she would be about 110 years old.
- Q Then she was married before 1830, was she-- Elvira Jacob? A I don't know sir.
- Q Have any of your Choctaw ancestors complied or attempted to comply with the provisions of article fourteen of the treaty of 1830? A Not that I know of.
- Q Were any of your Choctaw ancestors living in the old Choctaw Nation in Mississippi and Alabama in 1830 when this treaty was made? A I guess so; I don't know.
- Q Were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians at that time? A Not as I know of.
- Q Did any of your Choctaw ancestors own an improvement upon what constituted the old Choctaw Nation in Mississippi and Alabama? A Not that I know of.
- Q Was Elvira Jacob a slave? A No sir.
- Q Sure of that? A Mama said she wasn't.
- Q When did she tell you that? A She always did tell me ever since I was big enough to recollect anything.
- Q How did your mother come to be a slave then? A She married a slave.

Q She was a slave because she married a slave? A She said she wasn't a slave; my mother she married a slave.

Q You say that your grandmother, Elvira Jacob was not a slave? A She said she wasn't.

Q Wasn't she owned by anybody? A I don't know sir; not as I know of.

Q Did you ever see your grandmother? A No sir, I don't know.

Q Where was your mother born? A I don't know sir.

Q Did any of your Choctaw ancestors remove from the old Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation in the Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between 1833 and 1838?

A I don't know; not as I know of.

Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of Dancing Rabbit Creek signify to the agent of the Government in Mississippi at that time their intention to remain in Mississippi, take land there and become citizens of the States? A Not that I know of.

Q Did any of your Choctaw ancestors ever receive or claim any land in Mississippi from the Government of the United States under the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A Not that I know of.

In accordance with the provisions of article fourteen of the treaty of Dancing Rabbit Creek the Government directed an agent in Mississippi to register the names of those Choctaws who might desire to remain in Mississippi, take land there and become citizens of the States; the records of the Government show that this agent failed to register and report to the Government the names of many Choctaws who really did signify to him their intention to remain in Mississippi and take land under article fourteen of the treaty of 1830 and on this account the land upon which many Indians lived was sold by the Government and in 1837 and 1842 on account of complaints made by the Choctaws the Government appointed Commissions who went to Mississippi and heard the claims of Choctaws under article fourteen of the treaty of 1830.

Q Did any of your ancestors appear before the Commission appointed in 1837 or before the Commission appointed in 1842 and attempt to establish their rights under article fourteen of the treaty of 1830? A Not as I know of.

Q Did any of your Choctaw ancestors receive any scrip from the Government under the act of Congress approved August 23, 1848, which provided that if a Choctaw's lands had been sold and he proved his right to them he should be entitled to select land elsewhere and should be given scrip to that effect. Did any of your people ever receive any of that scrip? A Not as I know of.

Q So far as you know have any of your ancestors ever been recognized members of the Choctaw tribe of Indians? A Not that I know of.

Q So far as you know have they ever received any benefits as such? A No sir, not as I know of.



Q Have you any further statements you wish to make--anything else you want to say? A No sir, only I was thinking you was talking about my great grandmother when you asked me about slaves; my mother's mother was a slave.

Q What was your mother's mother's name? A Elvira Jacob.

Q Was she a slave? A No sir.

Q I thought you said just a moment ago that your mother's mother was a slave? A Wasn't.

Q Are you sure about that? A Yes sir, she said she wasn't.

Q Who said so? A My mama said her mother wasn't a slave.

Q When did she tell you that? A All the time.

Q Told you all the time that your grandmother wasn't a slave? A Yes sir.

Q How did she come to tell you about that? A She constantly talked about my mother.

Q And said she wasn't a slave? A Yes sir.

Q When did you first hear your mother said that her mother wasn't a slave? A I don't know.

Q Wasn't very long ago, was it? A Ever since I can recollect.

Q You say that how your mother came to be a slave was that she married a slave? A That's what she said.

Q Your mother wasn't born a slave, was she? A I don't know; I reckon she was born in time of slavery.

Q Do you speak or understand the Choctaw language? A No sir.

Q Does your mother speak or understand the Choctaw language? A No sir, not as I know of.

Q Are you sure about that? A I never heard her speak the Choctaw language.

Q Have you any witnesses that you desire to call? A No sir.

Q Have you any documentary evidence that you desire to present? Any papers that you want to file? A No sir.

Q Do you want time in which to give further evidence or present further testimony in this case? A I don't know what you are talking about.

(Attorney asks for thirty days.)

This applicant will be allowed thirty days in which to present further testimony in this case.

Examination by Mr. Isaac:

Q You are ignorant and have no education? A No sir.

Q All you know about your mother and grandmother is what you heard your mother say? A Yes sir.

Q Don't know anything else except what she has told you? A That's all.

Q How come you to mention about your great grandmother a moment ago when the Commission asked you about your grandmother's being slave? A I thought he was talking about my mother's grandmother.

Q You mean to set emphatically that your grandmother was not a slave? A Yes sir.

By the Commission:

Q Was your great grandmother a slave? A I don't know sir.



Q When did you first learn you had Choctaw blood? A I thought all the time I had if Mama was half.

Q I am asking you when you first knew you had Choctaw blood?

A Ever since I can recollect I thought I had if mama was half.

Q Has your mother ever made any application? A No sir.

This applicant has the appearance of being full blood negro; all the features and physical characteristics of a full blood negro; she has no knowledge of any compliance on the part of any of her ancestors with the provisions of article fourteen of the treaty of 1830.

Q Have any of your people been before the Commission before this?

A No sir.

-- --

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings above on March 21, 1903, and that this is a full, true and correct transcript of his stenographic notes in same.

*Henry G. Hains*

Subscribed and sworn to before me this 11 day of April, 1903.

*Charles H. Sawyer*

Notary Public.

089  
COPY.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---0---

In the matter of the application of Melvina Hood, et al.,  
for identification as Mississippi Choctaws, M.C.R. 7209.

---: D E C I S I O N :---

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Melvina Hood for herself and her two minor children, Aurena and Louie Hood, under the following provision of the act of Congress approved June 28, 1898 (30 Stat., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Elvira Jacob, who is alleged to have been a full-blood Choctaw Indian.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder that the said Elvira Jacob, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 189) and August 23, 1848 (6 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Melvina Hood, Aurena Hood and Louie Hood, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article

fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED

James Bixby.  
Chairman.

SIGNED

T. B. Needles.  
COMMISSIONER.

SIGNED

C. R. Breckinridge.  
COMMISSIONER.

SIGNED

W. E. Stanley.  
COMMISSIONER.

Muskogee, Indian Territory,

AUG 6 1903

COPY.

M.C.R. 7209.

Muskogee, Indian Territory, August 6, 1903.

Wassfield Murray & Gorman,  
Attorneys for the Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:-

You are hereby advised that on the 6th day of August 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Melvina Hood, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495):

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Melvina Hood, Aurena Hood and Louie Hood, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

I. B. Needles,  
Commissioner in Charge.

COPY.

M.C.R. 7209.

Muskogee, Indian Territory, August 6, 1903.

Melvina Hood,  
Pittsburg, Texas.

Dear Madam:-

You are hereby advised that on the 6th day of August 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Melvina Hood, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Melvina Hood, Aurena Hood and Louie Hood, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

M. H. 2.

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*T. B. Needles.*  
Commissioner in Charge.

Register.



COPY.

M. C. R. 7209.

Muskogee, Indian Territory, August 6, 1903.

S. W. Isano,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:-

You are hereby advised that on the 6th day of August 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Melvina Hood, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Melvina Hood, Aurena Hood and Louis Hood, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."



S. W. I. 2.

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*T. B. Needles.*

Commissioner in Charge.

Register.

COPY

Muskogee, Indian Territory, August 22, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Melvina Hood, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of August 6, 1903.

The Commission has the honor to report that the principal applicant herein, her attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED) *T. B. Needles.*

Commissioner in Charge.

Through the  
Commissioner of Indian Affairs,  
2 Enc. H. C. R. 9809

(COPY).

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,

WASHINGTON:-

December 12, 1903.

Land.  
55454-1903.

The Honorable,

The Secretary of the Interior.

Sir:-

Permit me to invite your attention to the record of the Commission to the Five Civilized Tribes in the matter of the application of Melvina Hood, for the identification of herself and her two minor children, Aurena and Louis Hood as Mississippi Choctaws, wherein a decision rejecting them was rendered on October 6, 1903.

The record in this case shows that the applicants predicate their claims to a right to identification on their descent from Elvira Jacob. They believe she was a resident in Mississippi in 1830; she was forty years old at that time; they have no knowledge as to her having been the recognized head of a Choctaw family at that time, or that she had improvements in the Choctaw country; nor do they know as to whether she complied or attempted to comply with the provisions of the 14th article of the Choctaw Treaty of that year. They are unable to furnish any information as to whether she received either

scrip, or land, under the provisions of the treaty or subsequent legislation relative thereto.

An examination of the records of this office has been made with reference to the name of Elvira Jacobs, and that name does not appear among the names of those persons who either complied or attempted to comply with the provisions of the 14th article of the Choctaw Treaty. I therefore recommend that the decision of the Commission rejecting the parties herein named, be approved.

Very respectfully,

W. A. Jones,

Commissioner.

H.B.H.(B).

(COPY).

DEPARTMENT OF THE INTERIOR,

WCF.  
FHE.

D.C. 71-1904.  
ITD. 8848-1903.  
L.R.S.

WASHINGTON:-

December 23, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:-

August 22, 1903, you transmitted the record in the case involving the application of Melvina Hood for the identification of herself and her two minor children, Aurena and Louis Hood, as Mississippi Choctaws, including your decision of August 6, 1903, refusing to identify them as such.

The applicants trace their Choctaw descent from Elvira Jacob, who is alleged to have been a Choctaw Indian and a resident of Mississippi in 1830.

Neither the evidence furnished by the record, nor the records of the Indian Office, show that said ancestor ever complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830, or with the subsequent acts of Congress relating thereto.

Reporting in the matter December 12, 1903, the Commissioner of Indian Affairs recommends that your decision rejecting

--2--

the applicants be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

Thos. Ryan,  
Acting Secretary.

1 inclosure.

M.C.R. 7209.

COPY:

Muskogee, Indian Territory, January 5, 1904.

Mansfield, McMurray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 23rd day of December, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Melvina Hood, et al., of which decision you were advised by mail on the ~~26th~~ day of August, 1903.

Respectfully,

(SIGNED)

*Tamie Bixby.*  
Chairman.

M.C.R 7209.

COPY:

Muskogee, Indian Territory, January 5, 1904.

S. W. Isaac,  
Attorney-at-Law,  
Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on the 23rd day of December, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Melvina Hood, et al., of which decision you were advised by registered mail on the 6th day of August, 1903.

Respectfully,

(SIGNED)

*Tame Dixby.*  
Chairman.



COMMISSIONERS  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE,  
W. E. STANLEY.

ALLISON L. AYLESWORTH,  
SECRETARY

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 7209.

Muskogee, Indian Territory, January 5, 1904.

Melvina Hood,  
Pittsburg, Texas,

Dear Madam:

You are hereby notified that on the 22nd day of December, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Melvina Hood et al., of which decision you were advised by registered mail on the 6th day of August, 1903.

Respectfully,



Chairman.

71

No. 7209

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

MAR 21 1903

Date  
Name Melvina Hood.

Age 24 Blood 1/4

Post Office, Pittsburg, Texas.

Father: Bill Hood reg. 2.

Mother: Jennie "1/2 reg. 2

Claims through mother

Children:

Aurena Hood 4.

Louie " 2.

Father of children: Wiley Wilson reg. 2

(Claims for self & 2 children)

44 4

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FREE CIVILIZED TRIBES.

**FILED**

FEB 10 1881



CHAIRMAN.



General Office

U. S. R.

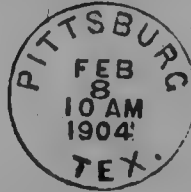
7209  
File

Advising that the Secretary of the Interior has affirmed Commission's decision, refusing application for identification as a Mississippi Choctaw.

Melvina Hood,

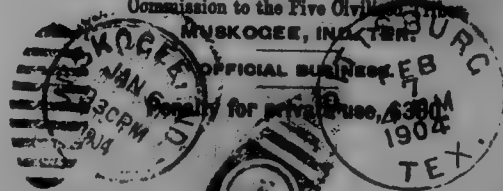
Pittsburg, Texas.

MISSENT.

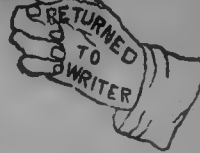


# Department of the Interior.

Commission to the Five Civilized Tribes  
MUSKOGEE, INDIAN TERR.



UN-CLAIMED



1900,  
70 1000



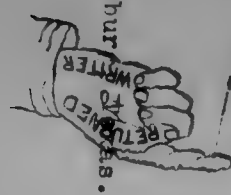
*See argument of  
part number.*

11761  
0871



Maryline Hood,

Pittsburgh



Department of the Interior.

Commission to the Five Civilized Tribes,  
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



AUG 28 1903

A MISSISSIPPI CHOCTAW.

Melina H. H.

RECEIVED

RECEIVED

U.S.

DEPARTMENT OF THE INTERIOR.

SECTION

RECORDS.

A

CHOCTAW

1884

1884

Choctaw MCR 7210

Jim Davis

MCR 7210



DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

--O--

In the matter of the application of Jim Davis, for identification as a Mississippi Choctaw, M.C.R. 7210.

List of papers forwarded to the Secretary of the Interior  
comprising the record in the above case.

	(Page)
Original application of Jim Davis, to the Dawes Commission for identification as a Missis- sipi Choctaw-----	1
Decision of the Commission refusing the ap- plication of Jim Davis for identification as a Mississippi Choctaw-----	7.

---O---

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskegee, I.T. March 21, 1903.

7210

In the matter of the application of Jim Davis for identification as a Mississippi Chectaw.

J. O. Pool, attorney for applicant.

Jim Davis being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Jim Davis.  
Q How old are you? A Thirty four.  
Q What is your post office address? A Dennisen, Texas.  
Q How long have you lived at Dennisen? A A little over 2 years.  
Q Where did you live prior to that time? A Oakland, Indian Territory.  
Q How long did you live in the Indian Territory? A Little over a year.  
Q Where did you live before that? A Hillsboro, Texas.  
Q Were you born in Texas? A No sir, Tennessee.  
Q Moved from Tennessee to Texas? A From Tennessee to Georgia; from Georgia to Alabama, from Alabama to Arkansas and from Arkansas to Texas.  
Q What is your father's name? A Jim Davis.  
Q Is he living? A No sir.  
Q What is your mother's name? A Elizabeth.  
Q Is she living? A No sir.  
Q Through which parent do you claim your Chectaw blood? A My mother.  
Q How much Chectaw blood do you claim? A One fourth.  
Q Are you the identical Jim Davis who appeared before the Commission at Ateka, I.T., on June 6, 1900, and made application for enrollment as a citizen by blood of the Chectaw Nation? A Yes sir.

It appears from the records of the Commission that on June 6, 1900, Jim M. Davis, post office Oakland, Indian Territory, age 33 years, appeared before the Commission at Ateka, Indian Territory, and there made application for enrollment as a citizen by blood of the Chectaw Nation; that on December 8, 1902, the Commission rendered its decision refusing the application of James M. Davis for enrollment as a citizen by blood of the Chectaw Nation and on the same day forwarded the record in the case to the Secretary of the Interior for review.

- Q What is your object in appearing before the Commission at this time? A To make application for identification as a Mississippi Chectaw.  
Q Has your mother, through whom you claim your right to identification as a Mississippi Chectaw ever been recognized in any manner or enrolled as a member of the Chectaw tribe of Indians by the Chectaw tribal authorities or the authorities of the United States?

Jim Davis-----2

A No sir.  
Q How old would your mother be if living now? A Sixty.  
Q Through which one of her parents does your mother claim her Chectaw blood? A Her mother.  
Q What is her mother's name? A I don't know her given name.  
Q What was your mother's father's name? A Aleck Celten.  
Q He was a white man, was he? A Yes sir.  
Q He claimed no Chectaw blood? A No sir.  
Q Do you know when Aleck Celten was married to your mother's mother? A No sir.  
Q Do you know where they were married? A In Alabama.  
Q Do you claim that your mother's mother was a full blood Chectaw? A Yes sir.  
Q But you don't know her given name? A No sir; she was a Mesheula.  
Q That was her maiden name, was it? A Yes sir.  
Q Do you know the name of her parents? A No sir.  
Q You are not able to trace your ancestry any farther back than to your grandmother whose maiden name was Mesheula and who married Aleck Celten? And you don't know her given name? A That's it.  
Q Are you married? A ~~Yes~~ No sir.  
Q This application is for yourself alone? A Yes sir.  
Q Is your name to be found upon any of the tribal rolls of the Chectaw Nation in the Indian Territory? A No sir, I suppose not.  
Q Did you or anyone for you in the year 1896 make application to this Commission for citizenship in the Chectaw Nation under the act of Congress approved June 10, 1896? A No sir.  
Q Did you or anyone for you ever make application to the Chectaw tribal authorities in the Indian Territory for citizenship in the Chectaw Nation? A No sir.  
Q Outside of your application in 1900 for enrollment as a citizen by blood of the Chectaw Nation, to which reference has been made, is this the only application for citizenship or enrollment in the Chectaw Nation that you have ever made? A Yes sir.  
Q Do you come before the Commission at this time for the purpose of claiming rights in the Chectaw lands in Indian Territory under the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A Yes sir.

Article fourteen of the treaty of 1830 reads as follows. "Each Chectaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age and to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Chectaw citizen but if they ever remove are not to be entitled to any portion of the Chectaw annuity."

Jim Davis----3

- Q That is the provision of law under which you claim your right to identification as a Mississippi Chectaw? A Yes sir.
- Q What is the name of your ancestor Chectaw through whom you claim these rights? A Mesheula.
- Q Do you refer now to your mother's mother? A Yes sir.
- Q How much Chectaw blood did she have? A Full blood.
- Q Do you know whether or not she was married and head of a family in 1830? A No sir, I don't.
- Q Did any of your Chectaw ancestors ever comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A I don't know sir.
- Q Were any of your Chectaw ancestors living in the old Chectaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A I don't know sir.
- Q Were any of your Chectaw ancestors recognized members of the Chectaw tribe of Indians at that time? A I don't know sir.
- Q Did any of your Chectaw ancestors own an improvement in Mississippi or Alabama in the year 1830 when this treaty was made? A Not that I know of.
- Q Did any of your Chectaw ancestors remove from the old Chectaw Nation in Mississippi and Alabama to the present Chectaw Nation in the Indian Territory at the time of the removal of the greater portion of the Chectaw tribe of Indians between the years 1833 to 1838? A Not that I knew of.
- Q Did any of your Chectaw ancestors within six months after the ratification of the treaty of Dancing Rabbit Creek signify to the agent of the Government in Mississippi at that time their intention to remain in Mississippi, take land there and become citizens of the States as is provided in article fourteen of the treaty of Dancing Rabbit Creek? A I don't know sir.
- Q Did any of your Chectaw ancestors ever claim or receive any land in Mississippi from the Government of the United States under the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A I don't know sir.

In accordance with the provisions of article fourteen of the treaty of 1830 the Government directed an agent in Mississippi to register the names of those Chectaws who might desire to remain in Mississippi, take land there and become citizens of the States. The records of the Government show that this agent failed to register and report to the Government the names of many Chectaws who did signify their intention to remain in Mississippi and comply with the provisions of article fourteen of the treaty of 1830 and on this account in many instances the land upon which Indians lived and had improvements and which they desired reserved for them under article fourteen was sold by the Government at Public Land Sale and the Chectaws deprived of their land; this caused many complaints among the Chectaws and finally the matter was brought to the attention of Congress and Congress by acts passed in 1837 and 1842 created Commissions who went to Mississippi and heard claimants Chectaws under article fourteen of the treaty of 1830.

- Q Did any of your Chectaw ancestors appear before the Commission appointed in 1837 or before the Commission appointed in 1842 and attempt to establish their rights under article fourteen of the treaty of 1830? A I don't know sir.

Jim Davis-----4

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Chectaw had complied with all the provisions of article fourteen of the treaty of 1830 but that his lands had been sold by the Government that he should be entitled to select land elsewhere in Mississippi, or in Alabama, Louisiana or Arkansas to be taken from vacant Government land and that a certificate to that effect should be given to him; these certificates were called scrip.

Q Did any of your ancestors ever receive any such scrip from the Government under this act of Congress? A Not that I know.

Q So far as you know were any of your ancestors ever recognized members of the Chectaw tribe of Indians? A No sir.

Q So far as you know did they ever receive any benefits as such? A No sir.

Q Have you any witnesses you desire to call at this time? A No sir.

Q Have you any documentary evidence to present? A No sir.

Q Do you desire time in which to introduce further testimony? A Yes sir.

Thirty days time will be allowed this applicant in which to present proper testimony to the Commission in support of this application.

Q Do you speak or understand the Chectaw language? A No sir.

Q Have you any further statements you desire to make? A No sir.

Applicant excused and J.P. Davis called and sworn as a witness in this case, testified as follows:

Q What is your name? A J P. Davis

Q How old are you? A Forty eight.

Q What is your post office address? A Dennison, Texas.

Q Are you acquainted with the applicant in this case, Jim Davis? A Yes sir.

Q Are you any relation to him? A Half brother.

Q By the same father? A Yes sir.

Q You claim no Chectaw blood yourself? A No sir.

Q What was the name of Jim Davis' mother? A It was Elizabeth Carlton.

Q That was her maiden name? A Yes sir.

Q Through which of her parents did she claim her Chectaw blood? A Under her mother.

Q What was her mother's name? A Mesheula.

Q That was her mother's maiden name, was it? A Yes sir.

Q Do you know what her given name was? A No sir.

Q Do you know anything about the ancestry of this applicant, Jim Davis, any further than his grandmother, Carlton? A No further than what his mother stated.

Q Do you know anything in reference to any compliance on the part of any of the ancestors of this applicant with the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A None except what I have heard her say. I have heard her say that they were all on the roll and that they had land where she was raised.

Jim Davis-----5

Q Did she say that that land was obtained under the provisions of article fourteen of the treaty of 1830? A Yes sir.

Q You understand the provisions of that article? A Yes, I do.

Q Do you know what ancestor of this applicant complied with the provisions of that article in order to obtain this land? A I do not.

Q Do you know whether his grandmother whose maiden name was Meshoula was married and head of a family in 1830? A According to his mother's age and what she said, they was-- she was.

Q And her name at that time was Carlton? A Yes sir.

Q Do you know whether the grandmother of this applicant appeared before the United States Indian agent, Col. Ward, within six months after the ratification of the treaty of Dancing Rabbit Creek and signified to him her intention to remain in Mississippi, and comply with the provisions of article fourteen of the treaty of 1830?

A I don't know.

Q Do you know whether the grandmother of this applicant ever received any land in Mississippi from the Government of the United States under the provisions of article fourteen of the treaty of 1830? A According to what his mother said they did.

Q Do you know where that land was located? A I do not.

Q Do you know what became of that land? A I do not.

Q Is there anything else that you can think of in reference to the ancestry of this applicant and as to their having been recognized citizens of the Choctaw Nation in Mississippi or Alabama?

A Well, after my father married her-- it was about four years-- she met with some Indian people down there-- she could talk Indian herself and these people could talk Indian-- and she claimed that they was of the Indian tribe of people of the Mississippi Choctaw.

Q You say that the mother of this applicant spoke Indian? A Yes sir.

Q Do you know whether it was the Choctaw language that she spoke?

A She claimed it was; I don't know anything about it.

Q Do you know whether Meshoula, the maiden name of the grandmother of this applicant, was her Indian name? A I don't know.

Q The father of this applicant was a white man? Claimed no Choctaw blood? A Not a bit in the world.

Q Do you know whether any of the ancestors of this applicant ever received any scrip from the Government which entitled them to locate on land in Mississippi, Arkansas, Louisiana or Alabama under the provisions of the act of Congress approved August 23, 1842?

A I do not.

Q Are there any further statements you wish to make? A I knew she tried to get my father to move from where he married her in Tennessee--she had been married before that-- to come to the Territory while she claimed a right here, and my father wouldn't do it 'cause he was a railroad man, Superintendent of the East Tennessee and Virginia Railroad, and he wouldn't come.

Witness excused and applicant recalled:

Q Have you any full brothers or sisters living? A No sir.

Q Did you ever have any full brothers or sisters? A Two full sisters.

Q Did either of them leave families? A No sir.

Q Do you know whether your mother ever had any brothers or sisters? A Yes she had two brothers.

Q Are they living? A Not that I knew of.

Q Do you know anything about their families? A No sir.



Jim Davis-----6

This applicant has the appearance of being a white man; he shows characteristics of Choctaw blood, high cheek bones, dark complexion and black straight hair; has brown eyes; he has no knowledge of the compliance on the part of his ancestors with the provisions of article fourteen of the treaty of 1830.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on March 21, 1903, and that this is a full, true and correct transcript of his stenographic notes in same.

*Henry G. Hains.*

Subscribed and sworn to before me this 8 day of April, 1903.

*Charles H. Sawyer*

Notary Public.

COPY.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---0---

In the matter of the application of Jim Davis, for identification as a Mississippi Choctaw, M.C.R. 7210.

---: D E C I S I O N :---

It appears from the record herein that an application for identification as a Mississippi Choctaw was made to this Commission by Jim Davis for himself, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that said applicant claims rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being a descendant of Elizabeth Davis, nee Carlton, (or Colton), who is alleged to



have been a Choctaw Indian, degree of blood not stated.

It appears from the evidence submitted by the applicant herein that he claims from a more remote Choctaw ancestor than the one above given, in the person of his grandmother, who is alleged to have been a full-blood Choctaw Indian, but as he is only able to give her maiden and surname it is, therefore, impossible for the Commission to determine whether or not that ancestor was a beneficiary under the provisions of article fourteen of the treaty of "Dancing Rabbit Creek."

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that said applicant has never been enrolled by the Choctaw tribal authorities as a member of the Choctaw Tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It appears, however, that on June 6, 1900, the applicant herein made application before this Commission for enrollment as a citizen by blood of the Choctaw Nation, and that his name was listed on Choctaw card R-502 as James M. Davis, and that on December 8, 1902 this Commission rendered its decision refusing said application.

It does not appear from the testimony and evidence offered in support of this application, or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Elizabeth Davis, nee Carlton (or

Colten) signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jim Davis, as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for his identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED).

*James Bixby.*

Chairman.

(SIGNED).

*T. B. Needles.*

COMMISSIONER.

(SIGNED).

*C. R. Breckinridge.*

COMMISSIONER.

(SIGNED).

*W. E. Stanley.*

COMMISSIONER.

Mustang, Indian Territory.

OCT 24 1903

Muskogee, Indian Territory, October 24, 1903.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 24th day of October, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Jim Davis an applicant for identification as a Mississippi Choctaw:

This application was made under the provision of the act of Congress of June 28, 1898, (30 Stats. 495):

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jim Davis, as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for his identification as such should be refused, and it is so ordered."

You are further advised that the applicant in this case has been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

I. B. Needles.

COPY:

M.C.P.7210.

Muskogee, Indian Territory, October 24, 1903.

J.O.Pool,

Attorney at Law,

Waco, Texas.

Dear Sir:

You are hereby advised that on the 24th day of October, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Jim Davis, an applicant for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this commission that the evidence herein is insufficient to determine the identity of Jim Davis, as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for his identification as such should be refused, and it is so ordered."

You are further advised that the applicant in this case has been allowed fifteen days from the date hereof within which

J. D. A.

to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*T. B. Needles.*  
Commissioner in Charge.

Registered.

N.C.R. 7210.

COPY.

Muskogee, Indian Territory, October 24, 1903.

Jim Davis,

Denison, Texas.

Dear Sir:

You are hereby advised that on the 24th, day of October, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Jim Davis, an applicant for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jim Davis, as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for his identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file argument in this office and that at the expiration of said time the papers in the

J.D.R.

case together with such arguments will be forwarded to the  
Secretary of the Interior through the Commissioner of Indian  
Affairs,

Respectfully,

(SIGNED)

*I. B. Needles.*  
Commissioner in Charge.

Register.

M C R 7210

Muskogee, Indian Territory, November 6, 1903.

J. O. Pool,  
Attorney at Law,  
Hoocona, Texas.

Dear Sir:

Receipt is hereby acknowledged of certain exceptions, transmitted by you, to the decision of the Commission refusing the application made by Jim Davis for identification as a Mississippi Choctaw. The same will be forwarded with the record in said case to the Secretary of the Interior.

Respectfully,

Chairman.



M C R 7210

Muskogee, Indian Territory, November 6, 1903.

J. O. Pool,  
Attorney at Law,  
Hocoma, Texas.

Dear Sir:

Receipt is hereby acknowledged of certain exceptions,  
transmitted by you, to the decision of the Commission refusing  
the application made by Jim Davis for identification as a Missis-  
sippi Choctaw. The same will be forwarded with the record in said  
case to the Secretary of the Interior.

Respectfully,

Chairman.

COPY.

Muskogee, Indian Territory, November 9, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Jim Davis, an applicant to the Commission for identification as a Mississippi Choctaw, including the decision of the Commission of October 24, 1903.

The Commission has the honor to report that the applicant herein, his attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

There is also transmitted herewith bill of exceptions to the decision of the Commission in this case, filed by J. O. Pool, attorney for the applicant, on November 5, 1903.

Respectfully,

*I. B. Needles,*

Commissioner in Charge.

Through the  
Commissioner of Indian Affairs.

2 Encs. MEX 7810.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, December 11, 1903.

Land:  
73505-1903.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to submit record of the Commission to the Five Civilized Tribes in the matter of the application, for identification as a Mississippi Choctaw, of Jim Davis, wherein a decision rejecting him was entered by the Commission on October 24, 1903.

The record in this case shows that the applicant founds his claim to a right to identification on his descent from Meshoula, and Elisabeth Davis, whose maiden name was Carlton or Colton. It is alleged that these persons were Choctaw Indians in 1830, but the witness is unable to state as to whether or not either of these people resided in the Choctaw Nation in either Mississippi or Alabama in 1830, nor as to whether they complied, or attempted to comply with the provisions of the 14th article of the treaty of that year. He was unable to state whether they owned any property or improvements of any kind there, or as to their having received land from the Government by reason of the fact that they were Choctaw Indians.

An examination of the records of this office has been made with reference to Meshula, Elizabeth Davis, Elizabeth Carlton and Elizabeth Colton, and it is ascertained that none of these names appear among those persons who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty. I am therefore of the opinion that the decision of the Commission rejecting this applicant should be approved, and so recommend.

Very respectfully,

W. A. Jones.

E.B.H. (E)

WOF  
PHE

DEPARTMENT OF THE INTERIOR

WASHINGTON, December 19, 1903.

D.C. 35255-1903.  
ITD 8772-1903.  
L.R.S.

Commission to the

Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

November 9, 1903, you transmitted the record in the case of Jim Davis, an applicant for identification as a Mississippi Choctaw, including your decision of October 24, 1903, rejecting his application.

The applicant bases his claim to a right to identification as a Mississippi Choctaw on his descent from Mashoula, through her daughter Elizabeth Davis, nee Carlton, or Colton, it being alleged that said ancestors were possessed of Choctaw Indian blood.

Neither the evidence furnished by the record, nor the records of the Indian Office, show that said ancestors complied or attempted to comply with the provisions of article 14, of the Choctaw treaty of 1830, or with the subsequent acts of Congress relating thereto.

Reporting in the matter December 11, 1905, the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation and your decision rejecting the applicant is hereby affirmed.

Respectfully,

Thos. Ryan,  
Acting Secretary.

1 inclosure.

COPY.

M.C.R. 7210.

Muskogee, Indian Territory, December 31, 1903.

J. O. Pool,  
Attorney-at-Law,  
Necona, Texas.

Dear Sir:

You are hereby notified that on the 19th day of December, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application of Jim Davis for identification as a Mississippi Choctaw of which decision you were advised by registered mail on the 24th day of October, 1903.

Respectfully,

(SIGNED)

*Tams Bixby.*  
Chairman.

M.C.R. 7210.

COPY:

Muskogee, Indian Territory, December, 31, 1903.

Mansfield, McMurray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 19th day of December, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application of Jim Davis for identification as a Mississippi Choctaw of which decision you were advised by mail on the 24th day of October, 1903.

Respectfully,

(SIGNED)

*James Bixby.*  
Chairman.



M.C.R. 7210.

COPY.

Muskogee, Indian Territory, December 31, 1903.

Jim Davis,

Denison, Texas.

Dear Sir:

You are hereby notified that on the 19th day of December, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing your application for identification as a Mississippi Choctaw of which decision you were advised by registered mail on the 24th day of October, 1903.

Respectfully,

*James Bixby.*  
Chairman.

8

No. 7210

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 21 1903

Name Jim Davis

Age 34 Blood 1/4

Post Office, Denison, Texas.

Father: Jim Davis D.

Mother: Elizabeth " D.

Claims through mother

Children:

claims for self alone

Photographer H.G. Haines

A MISSISSIPPI CHOCTAW.

Jim Davis.

SEP

SENIOR,

INDIAN

CHIEF

CHIEF

CHIEF

CHOCTAW

003

Choctaw MCR 7211

Annie Wade

MCR 7211

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. March 21, 1903.

7211

In the matter of the Application of Annie Wade for identification as a Mississippi Choctaw.

Applicant represented by Thomas & Harrison; no appearance by attorneys.

Annie Wade being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Annie Wade.  
Q How old are you? A I am about sixty one.  
Q What is your post office address? A Big Stone Gap, Virginia.  
Q How long have you lived there? A About forty years I reckon, ever since I was married.  
Q Where did you live before that? A Kentucky.  
Q Were you born in Kentucky? A Yes sir.  
Q Lived there all your life until you moved to Virginia? A Yes sir.  
Q And have since lived in Virginia? A Yes sir.  
Q What is your father's name? A Henry Evans.  
Q Is he living? A No sir.  
Q What is your mother's name? A She was Lydia Hanks.  
Q Is she living? A No sir.  
Q Through which parent do you claim your Choctaw blood? A My mother.  
Q Has your mother through whom you claim your right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a Choctaw Indian by the Choctaw tribal authorities or the authorities of the United States? A No sir.  
Q Through which of her parents does your mother get her Choctaw blood? A Her mother.  
Q What was her mother's name? A Lydia Harper.  
Q What was Lydia Harper's husband's name? A She was a Hanks; Fielding Hanks it was.  
Q Through which one of her parents did Lydia Harper claim her Choctaw blood? A I don't know.  
Q Then you are not able to trace your ancestry any farther back than to your grandmother, Lydia Harper? A No sir; they said my great grandfather was John Harper.  
Q What was John Harper's wife's name? A I don't remember; Lydia Ann I reckon.  
Q Was her name Lydia Ann or Polly Ann? A As high as I can remember, it was Lydia Ann.

Q How much Choctaw blood do you claim? A A fourth I reckon.  
 Q Are you married? A Yes sir.  
 Q What is your husband's name? A S.A.Wade.  
 Q Is he living? A Yes sir.  
 Q Is he a white man? A Yes sir.  
 Q Claims no Choctaw blood? A No, sir, I think not.  
 Q You make no claim for him? A No sir.  
 Q Have you any minor children you wish to apply for? A No sir, I haven't any under age.  
 Q This application then is for yourself alone? A Yes sir.  
 Q Is your name to be found upon any of the tribal rolls of the Choctaw Nation in the Indian Territory? A I don't know.  
 Q Do you know if anyone for you or did you ever make application to the Choctaw tribal authorities in the Indian Territory to be enrolled as a member of that tribe? A I don't know anything about that.  
 Q Did you or anyone for you in the year 1896 make application to this Commission for citizenship in the Choctaw Nation under the act of Congress approved June 10, 1896? A I don't remember anything about it.  
 Q You know whether you made any such application or not? A No, sir, I didn't.  
 Q This is the first application for citizenship or enrollment in the Choctaw Nation that you have ever made? A Yes sir.  
 Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the provision of article fourteen of the treaty of 1830?  
 A Yes sir.

Article fourteen of the treaty of 1830 reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Is that the provision of law under which you are claiming your right to identification as a Mississippi Choctaw? A Yes sir.  
 Q What is the name of your Choctaw ancestor through whom you claim these rights? A John Harper and his wife; is my great great grandparents.

Q When were your father and mother married? A I can't hardly remember what year; they have been married about 60 or 70 years.

Q Did you have any older brothers or sisters? A Yes sir.

Q How much older than you was the eldest? A About 8 years older.

Q Do you know whether your mother and father were married before 1830? A I reckon they was.

Q Where were they married? A In Kentucky.

Q They were living in Kentucky at that time? A Yes sir.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A I don't remember anything about that; I don't know.

Q Were any of your Choctaw ancestors living in the old Choctaw Nation in Mississippi and Alabama in 1830 when this treaty was made? A I don't think they was.

Q Where were they living at that time if you know? A I think in Kentucky.

Q Was your mother born in Kentucky? A Both parents born in Kentucky.

Q Were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians in 1830 when this treaty was made? A Well, you see, I don't know.

Q Did any of your Choctaw ancestors own an improvement in 1830 upon what constituted the old Choctaw Nation in Mississippi and Alabama? A I don't know anything about it.

Q Did any of your Choctaw ancestors remove from the old Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A I don't know anything about that.

Q Did you ever hear that any of your people ever came out here to the Indian Territory? A No sir.

Q Did any of your ancestors within six months after the ratification of the treaty of 1830 signify to the agent of the Government in Mississippi at that time whose name was Col. Ward an intention to remain in Mississippi, take land there and become citizens of the States as is provided in article fourteen of the treaty of 1830? A I don't know anything about that.

Q Did you ever hear that any of your foreparents went to the agent in Mississippi and endeavored to get land from him under article fourteen of the treaty of 1830? A Not that I know of.

In accordance with the provisions of article fourteen of the treaty of 1830 the Government directed an agent in Mississippi to register the names of those Choctaws who might desire to remain in Mississippi, take land there and become citizens of the States. The records of the Government show that this agent failed to register and report to the Government the names of many Choctaws who really did signify to him their intention to remain in Mississippi and comply with the provisions of article fourteen of the treaty of 1830 and on this account in many instances land upon which the Indians lived and had improvements and which they desired reserved for them under that article were sold by the Government at Public Land sale and the Choctaws deprived of their lands; this caused much complaint among the Choctaws and finally the matter was brought to the attention of Congress and Congress by acts passed in 1842 and 1837 created Commissions who went to Mississippi and heard the claims of Choctaws under article fourteen of the treaty of 1830.



Q Did any of your ancestors appear before the Commission appointed in 1837 or 1842 and attempt to have their rights adjudicated under article fourteen of the treaty of 1830? A I don't know.  
Q Did you ever hear that they did? A No sir.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with all the provisions of article fourteen of the treaty of 1830 but that his land had been sold by the Government that he should be entitled to select land elsewhere in the State of Mississippi, or in Alabama, Louisiana or Arkansas to be taken from vacant Government land and that a certificate to that effect should be given him; these certificates were called scrip.

Q Did any of your Choctaw ancestors ever receive any such scrip from the Government under that act of Congress? A I don't know anything about it.

Q So far as you know were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians? A I don't know.

Q So far as you know did any of them receive any benefits as such? A No sir, I don't know anything about it.

Q Have you ever heard in your family history anything about any of your ancestors having complied with the provisions of article fourteen of the treaty of 1830 by going to the Indian agent in Mississippi and endeavoring to obtain land from him under article fourteen of the treaty of 1830? A I don't remember whether I ever or not.

Q If you ever did hear anything of that character, don't you think you would remember it? A Well, I say I don't think I have.

Q You don't think you have heard anything about that in your family? A No sir.

Q Have you any witnesses you desire to call? A No sir.

Q Have you any documentary evidence to present, --any papers? A No sir.

Q Do you desire time in which to introduce further evidence? A I don't know.

You will be allowed thirty days from this date in which to present proper evidence to the commission in support of this application.

Q Do you speak or understand the Choctaw language? A Well, now I don't think I do understand it.

Q Can you speak it? A No, I don't think I can.

Q Well, don't you know? A Well, I don't understand it myself.

Q Well, then, you can't speak it or understand it? A No sir.

Q Do you know whether Christopher C. Hanks is any relative of yours? A Yes sir.

Q What relation? A My cousin.

Q A great number of your relatives have appeared haven't they, and made application for identification as Mississippi Choctaws?

A About a hundred of them I think.



7211----5

Q You desire your case considered with others? A Yes sir.

Reference is made to the case of Christopher G. Hanks  
M.C.R. 6508 for the purpose of consolidation.

Applicant has the appearance of being a white person; shows no indication of being possessed of Choctaw blood; dark complected, black hair, black eyes; has no knowledge of the compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

---

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings in the above case and that this is a full, true and correct transcript of his stenographic notes in same.

*Henry G. Hains.*

Subscribed and sworn to before me this 15 day of April, 1903.

*Charles H. Sawyer*

Notary Public.

M.C.R. 7211.

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,

Attorneys at Law,

Muskogee, Indian Territory,

Gentlemen:

---

You are hereby advised that the Commission has this day notified Annie Wade that she will be allowed thirty days from this date in which to submit further evidence in support of her application for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

---

Commissioner in Charge.

M.C.R. 7211.

Muskogee, Indian Territory, November 6, 1903.

Annie Wade,

Big Stone Gap, Virginia,

Dear Madam:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of your application for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, March 19, 1904.

Annie Wade,

Big Stone Gap, Virginia.

Dear Madam:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which your application for identification as a Mississippi Choctaw was made a part, refusing said application.

You are further advised that a copy of such decision has been furnished your attorneys of record, Thomas & Harrison, Muskogee, Indian Territory; that the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted to the Secretary of the Interior for his consideration with such argument and brief as may be submitted by your attorneys.

Respectfully,

Registered.

Commissioner in Charge.

Muskogee, Indian Territory, March 19, 1904.

Annie Wade,

Big Stone Gap, Virginia.

Dear Madam:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which your application for identification as a Mississippi Choctaw was made a part, refusing said application.

You are further advised that a copy of such decision has been furnished your attorneys of record, Thomas & Harrison, Muskogee, Indian Territory; that the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted to the Secretary of the Interior for his consideration with such argument and brief as may be submitted by your attorneys.

Respectfully,

Registered.

Commissioner in Charge.

MO R 7211

Muskogee, Indian Territory, June 26, 1905.

Annie Wade,

Big Stone Gap, Virginia.

Dear Madam:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 19th day of March, 1904.

Respectfully,

Chairman.

9

No. 8211

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

MAR 21 1903

Date

Name Annie Wade

Age 61. Blood  $\frac{1}{4}$

Post Office, Big Stone Gap, Va.

Father: Henry Evans. D

Mother: Lydia ~~Hunter~~ D.

Claims through mother.

Husband:

S. A. Wade w. L  
(No claim for him)

Children:

(Claims for self alone)

Stenographer

H. G. Harris

MISSISSIPPI  
*Annie Wade*

DECISION RENDERED.

MAR 4 1904

COPY OF DECISION FORWARDED  
ATTORNEYS FOR CHOCTAW AND  
CHICKASAW NATIONS.

MAR 4 1904

NOTICE OF DECISION MAILED APPLICANT.

COPY OF DECISION FORWARDED  
ATTORNEY FOR APPLICANT.

MAR 14 1904

RECORD FORWARDED DEPARTMENT.

~~JUN~~ 13 1904.

ACTION APPROVED BY  
SECRETARY OF INTERIOR.

MAR 30 1905

NOTICE OF DEPARTMENTAL  
ACTION MAILED APPLICANT.

JUN 20 1905

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT.

JUN 20 1905

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

REFER TO M. C. R.

5870



Choctaw MCR 7212

Benjamin F. Nicholas

MCR 7212

Department of the Interior.  
Commission to the Five Civilized Tribes.  
March 21, 1903, Muskogee, I.T.

7212

In the matter of the application of Benjamin F. Nicholas for the identification of himself and his two minor children, Olin and Glen Nicholas, as Mississippi Choctaws.

Harry Person, attorney for applicant:

Benjamin F. Nicholas being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Benjamin F. Nicholas.  
Q How old are you? A Thirty three.  
Q What is your post office address? A Ferris, Texas.  
Q How long have you lived in Ferris, Texas? A Eight years; a couple of miles from town and there about twenty years.  
Q Were you born in Texas? A Yes sir.  
Q Lived in Texas all your life? A Yes sir.  
Q What is your father's name? A George W. Nicholas.  
Q Is he living? A Yes sir.  
Q What is your mother's name? A Drusilla C. Nicholas.  
Q Is she living? A Yes sir.  
Q Through which one of these parents do you claim your Choctaw blood? A My mother.  
Q How much Choctaw blood do you claim? A A sixteenth.  
Q Has your mother through whom you claim your right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States? A Not that I know of.  
Q Through which parent does your mother claim her Choctaw blood? A Her mother.  
Q How old is your mother at this time? A Fifty nine I think.  
Q What was your mother's father's name? A Giles B. Malone.  
Q What is your mother's mother's name? A Nancy.  
Q George B. Malone was a white man? A Yes sir.  
Q He claimed no Choctaw blood? A Not that I know.  
Q Through which parent did Nancy Malone claim her Choctaw blood? A Her mother.  
Q What was her mother's name? A Brashers.  
Q Do you know how that is spelled? A B-e-r-s-h-e-r-s---I don't.  
Q What is her given name? A Rachel.  
Q Rachel Brashers then is your great grandmother? A Yes sir.  
Q Do you know when Giles B. Malone and Nancy were married? A No sir.  
Q How were they married? A No sir.  
Q Do you know where Nancy Malone was born? A No sir.  
Q Where was your mother born? A I don't know.

Q Did your mother have any elder brothers or sisters? A Yes sir.  
 Q How much elder than her was the oldest brother of hers or sister? A I don't know.  
 Q Are you married? A Yes sir.  
 Q What is your wife's name? A Mary.  
 Q She is a white woman? A Yes sir.  
 Q Living? A Yes sir.  
 Q She claims no Choctaw blood? A No sir.  
 Q You make no claim for her? A No sir.  
 Q What are the names and ages of your minor children? A Olin and Glen. Olin is seven and Glen is three.  
 Q Olin is a boy? A Yes sir and Glen too.  
 Q This application then is for yourself and two minor children? A Yes sir.  
 Q You are the father of these children? A Yes sir.  
 Q Mary Nicholas is the mother? A Yes sir.  
 Q These children claim their Choctaw blood through you? A Yes sir.  
 Q When and where were you married to Mary Nicholas? A In Lancaster, February 13, 1895.  
 Q Married under a license? A Yes sir.  
 Q Gave you your marriage license with you at this time? A No sir.

It will be necessary to supply the Commission with evidence of your marriage to your wife Mary in support of this application for the minor children. This evidence may be furnished within thirty days from this date.

Q Is your name or the name of either of these children to be found upon any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.  
 Q Did you or anyone for you ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as a member of that tribe? A No sir.  
 Q Did you or anyone for you in the year 1896 make application to this Commission for citizenship in the Choctaw nation under the act of Congress of June 10, 1896? A No sir.  
 Q Is this the first application of any description for citizenship or enrollment in the Choctaw Nation that has ever been made by you or in your behalf? A Yes sir.  
 Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the provisions of article fourteen of the treaty of 1830? A Yes sir.

Article fourteen of the treaty of 1830 is as follows:  
 "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Benj.F.Nicholas----3

- Q Is that the provision of law under which you are making your claim to the right to identification as a Mississippi Choctaw?  
A Yes sir.
- Q What is the name of your Choctaw ancestor through whom you claim these rights? A Rachel Brashears.
- Q How do you spell her name? A B-e-r-s-h-e-r-s.
- Q Do you know whether or not that is the correct way to spell that name? A No sir, I don't.
- Q Was Brashears her married or maiden name? A I don't know.
- Q You claim your Choctaw blood through your mother? A Yes sir.
- Q Drusilla C. Nicholas? A Yes sir.
- Q She claimed her Choctaw blood through her mother Nancy Malone? A Yes sir.
- Q Nancy Malone claims her Choctaw blood through her mother Rachel Brashears? A Yes sir.
- Q Now, don't you know whether Brashears was your great-grandmother's maiden name or married name? A No sir.
- Q You don't know the name of the father of Nancy Malone? A It was Adam.
- Q Then Brashears must have been your great grandmother's maiden name? A Yes sir.
- Q What was the full name of Adams, the husband of Rachel Brashears? A I don't know.
- Q Do you know the names of the parents of Rachel Brashears? A No sir.
- Q How much Choctaw blood did Rachel Brashears have? A A half.
- Q Was Rachel Brashears living in the old Choctaw Nation in Mississippi or Alabama in 1830 when the treaty of Dancing Rabbit Creek was made? A I don't know.
- Q Was she married and head of a family at that time? A I don't know.
- Q Do you know how old your grandmother Nancy Malone would be if living? A No sir.
- Q Cannot give any idea how old she would be? A No sir.
- Q I think you stated that your mother had older brothers and sisters? A Yes sir.
- Q How much older than her was the oldest? A I can't tell you.
- Q About how much? A Ten or twelve years older anyway.
- Q Then if your mother's eldest brother or sister was ten years older than herself that brother or sister must have been born about the year of 1834 or 1835. A Yes sir.
- Q Then if your grandmother Nancy Malone was not married in 1830 your great grandmother, Rachel, must certainly have been married at that time, and her name at that time would have been Rachel Adams? A Yes sir.
- Q Did any of your Choctaw ancestors comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A Not that I know of.
- Q Were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians in 1830 when this treaty was made? A Not that I know of.
- Q Did any of your Choctaw ancestors own an improvement in 1830 upon what constituted the old Choctaw Nation in Mississippi and Alabama? A I don't know.
- Q Did any of your Choctaw ancestors remove from the old Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A I don't know.

Benj. F. Nicholas---4

Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 signify to the agent of the Government in Mississippi at that time their intention to remain in Mississippi, take land there and become citizens of the States as is provided in article fourteen of the treaty of 1830? A I don't know.

Q Did any of your Choctaw ancestors ever claim or receive any land in Mississippi from the Government of the United States under the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A Not that I know of.

In accordance with the provisions of article fourteen of the treaty of Dancing Rabbit Creek the Government directed an agent in Mississippi to register the names of those Choctaws who might desire to remain in Mississippi, take land there and become citizens of the States; the records of the Government show that this agent failed to register and report to the Government the names of many Choctaws who really did signify to him their intention of remaining in Mississippi and complying with the provisions of article fourteen of the treaty of 1830. And on this account in many instances the land upon which the Indians lived and had improvements and desired reserved for them under article fourteen of the treaty of 1830 was sold by the Government at its Public Land Sale and the Choctaws deprived of their land; this caused much complaint among the Choctaws and finally the matter was brought to the attention of Congress and Congress by acts passed in 1837 and 1842 created Commissions who went to Mississippi and heard the claims of Choctaws under article fourteen of the treaty of 1830.

Q Did any of your Choctaw ancestors appear before the Commission appointed in 1837 or before the Commission appointed in 1842 and attempt to their rights adjudicated under article fourteen of the treaty of 1830? A I don't know.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with all the provisions of article fourteen of the treaty of 1830 but that his land had been sold by the Government that he should be entitled to select land elsewhere in Mississippi, or in Alabama, Arkansas or Louisiana, to be taken from vacant Government land and that a certificate to that effect should be given him; these certificates were called scrip.

Q Did any of your Choctaw ancestors ever receive any such scrip from the Government under this act of Congress? A I don't know.

Q So far as you know have any of your Choctaw ancestors ever been recognized as members of the Choctaw tribe of Indians? A No sir.

Q Have you any witnesses you desire to call? A No sir.

Q So far as you know have any of your Choctaw ancestors received any benefits as such? A No sir.

Q Have you any documentary evidence to present? A No sir.

Q Do you desire time in which to introduce proper testimony?

A Yes sir.

You will be allowed thirty days for the introduction of proper testimony in support of this case.

B.F.Nicholas-----5

Q Have you any evidence of the marriage of your grandparents with you at this time? A No sir

It will be necessary that the Commission be supplied with evidence of the marriage of Giles B. Malone to Nancy Adam in support of the application which you make for identification as a Mississippi Choctaw.

Q Are there any further statements you wish to make? A No sir.

Q Do you speak or understand the Choctaw language? A No sir.

Q Any questions, Mr. Person? A No sir.

Reference is made to the case of Joseph Crouch, et al., N.C.R. 6468 for the purpose of consolidation.

Q This applicant has the appearance of being a white person; no indications of being possessed of Choctaw blood; dark complected, black hair, brown eyes, brown mustache; he has no knowledge of the compliance of his ancestors with the provisions of article fourteen of the treaty of 1830.

-----000000----

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case March 21, 1903, and that this is a full, true and correct transcript of his stenographic notes in same.

*Henry G. Hains*

Subscribed and sworn to before me this 2 day of April, 1903.

*Charles H. Sawyer*

Notary Public.



M.C.A. 7312  
COPY:

Muskogee, Indian Territory, July 22, 1904.

Benjamin F. Nicholas,  
Ferris, Texas,

Dear Sir:-

You are hereby notified that the Commission to the Five Civilized Tribes, on July 20, 1904, rendered its decision (Commissioner Needles dissenting) refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Susan Crouch et al., including you, Olin Nicholas and Glen Nicholas.

You are further notified that you will be allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

WIGNEW

*T. B. Needles.*

Commissioner in Charge.

Registered.

MCR-7212.

Muskogee, Indian Territory, March 19, 1907.

Benjamin F. Nicholas,  
Ferris, Texas.

Dear Sir:

You are hereby notified that the Secretary of the Interior on February 12, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of July 20, 1904, refusing the applications for the identification as Mississippi Choctaws of the several persons included in the consolidated case of Susan Crouch et al.

Respectfully,

Commissioner.



12

No. 7212

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 21 1903

Name Benjamin F. Nicholas

Age 33 Blood 1/16

Post Office, Ferris, Tex.

Father: George W. Nicholas L.

Mother: Drusilla C. L.

Claims through Mother

Wife: Mary Nicholas, w. L.

No claim for her

Children:

Olin Nicholas (M) 7

Glen " 3

(Claims for self - 2 minor

Stenographer H. G. Hains

A MISSISSIPPI CHOCTAW

*Benjamin F. Nicholas*

REFUSED

DECISION RENDERED

JUL 22 1904

OF DECISION FORWARDED

APPLICANT

JUL 22 1904

COPY OF DECISION FORWARDED  
ATTORNEYS FOR CHOCTAW AND  
CHICKASAW NATIONS.

JUL 22 1904

COPY OF DECISION FORWARDED  
ATTORNEY FOR APPLICANT.

JUL 22 1904

RECORD FORWARDED DEPARTMENT.

SEP 2 1904

ACTION APPROVED BY SECRETARY OF INTERIOR.

FEB 12 1907

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

MAR 19 1907

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT.

MAR 19 1907

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

REFUSED

RECEIVED M. C. 1904

Choctaw MCR 7213

George W. Nicholas

MCR 7213

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. March 21, 1903.

7213

In the matter of the application of George W. Nicholas for the identification of himself and his minor child, Elbert F. Nicholas, as Mississippi Choctaws.

Henry Person attorney for applicant.

George W. Nicholas being sworn testified as follows:

Examination by the Commission:

- Q What is your name? A George W. Nicholas.  
Q How old are you? A Twenty six.  
Q What is your post office address? A Wilmer, Texas.  
Q How long have lived in Texas? A All my life.  
Q Were you born there? A Yes sir.  
Q Always lived in that State? A Yes sir.  
Q What is your father's name? A George W. Nicholas.  
Q Is he living? A Yes sir.  
Q What is your mother's name? A Drusilla C. Nicholas.  
Q Is she living? A Yes sir.  
Q Through which parent do you claim your Choctaw blood? A Mother.  
Q How much Choctaw blood do you claim? A A sixteenth.  
Q Has your mother through whom you claim your right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States?  
A I don't know.  
Q Through which one of her parents does your mother claim her Choctaw blood? A Her mother.  
Q What was her mother's name? A Nancy Malone.  
Q That was her maiden name, was it? A That was her married name.  
Q What was her husband's name? A Giles B. Malone.  
Q Giles B. Malone and was a white man and claimed no Choctaw blood? A No sir.  
Q Through which of her parents did Nancy Malone claim her Choctaw blood? A Rachel Brashears.  
Q Was that her mother? A I don't know.  
Q What was Nancy Malone's maiden name? A I don't know.  
Q Did you ever hear that her maiden name was Wood? A No sir.  
Q What was the name of the husband of Rachel Brashears? A I don't know.  
Q Then how do you know that Nancy Malone claimed her Choctaw blood through Rachel Brashears? A From what I have heard.  
Q When did you hear this? A I don't know.  
Q You state that your mother claims her Choctaw blood through her mother whose name was Nancy Malone, and you state that Nancy Malone claims her Choctaw blood through her mother Rachel Brashears? A I didn't mean to say that.

G.W.Nicholas-----2

Q What do you intend to say? A Well---

Q Through whom did Nancy Malone claim her Choctaw blood, her father or mother? A Her mother.

Q What was her mother's name? A Rachel Brashears.

Q Was that her maiden or married name? A I don't know.

Q Then you don't know the maiden name of your grandmother? A No sir.

Q You don't know the maiden name of Nancy Malone? A No sir.

Q Never heard it? A Well, I can't say; if I have I don't remember it.

Q Did you ever hear that it was Adam? A Not that I remember.

Q Are you married? A Yes sir.

Q What is your wife's name? A Bertha B. Nicholas.

Q Is she a white woman? A Yes sir.

Q Claims no Choctaw blood? A No sir.

Q She is living? A Yes sir.

Q You make no claim for her? A No sir.

Q Have you any minor children for whom you wish to apply? A Yes.

Q What are their names and ages? A Elbert F. Nicholas, a boy; that's all I've got.

Q How old is Elbert? A Two years old.

Q This application then for yourself and one child, is it? A Yes sir.

Q You are the father of this child? A Yes sir.

Q Bertha B. Nicholas the mother? A Yes sir.

Q This child claims its Choctaw blood through you? A Yes sir.

Q When and where were you married to Bertha B. Nicholas? A 1900.

Q Married under a license? A Yes sir.

Q Have you your marriage license and certificate with you? A No sir.

It will be necessary that you supply the Commission with evidence of this marriage in support of this application for your minor child.

Q Is your name to be found upon any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.

Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as a member of that tribe? A No sir.

Q Did you in the year 1896 make application to this Commission for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No sir.

Q Is this the first application of any description for citizenship or enrollment in the Choctaw Nation that you have ever made? A Yes sir.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands Indian Territory under the provisions of article fourteen of the treaty of 1830? A Yes sir.

Article fourteen of the treaty of Dancing Rabbit Creek reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall

be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Is that the provision of law under which you are claiming your right to identification as a Mississippi Choctaw? A Yes sir.
- Q What is the name of your Choctaw ancestor through whom you claim these rights? A Rachel Brashears.
- Q What relation was Rachel Brashears to you? A I don't know; my great grandmother I reckon.
- Q How old is your mother at this time? A She is fifty nine years old.
- Q Did she have any older brothers and sisters? A Yes sir.
- Q How much older than her was the eldest? A I can't tell you.
- Q About how much older? A I don't know.
- Q Give your best knowledge. A About 5 or 6 years I reckon.
- Q Do you know when Giles B. Malone and Nancy were married? A No sir.
- Q Do you know whether or not they were married prior to 1830? A No sir.
- Q If Giles B. Malone was not married to her prior to 1830, your great grandmother, Rachel Brashears was married prior to this time wasn't she? A I don't know; I reckon so.
- Q And you don't know whether Rachel Brashears was your great grandmother's maiden or married name? A No sir.
- Q And if it was her maiden name you don't know the name of her husband? A No sir.
- Q You never heard the maiden name of your grandmother Nancy Malone? A No sir.
- Q You are sure about that? A Yes sir.
- Q Your brother on the stand a few moments ago testified that Rachel Brashears married a man named Adams; but you never heard anything about that? A No sir.
- Q You are sure about that? A Yes sir.
- Q Where were your grandparents, Nancy Malone and Giles B. Malone married? A I don't know.
- Q When were they married? A I don't know.
- Q Were any of your Choctaw ancestors living in the old Choctaw Nation in Mississippi or Alabama in 1830 when this treaty was made? A I don't know.
- Q Did any of your Choctaw ancestors own an improvement on land in what constituted the old Choctaw Nation in Mississippi or Alabama in 1830 when this treaty was made? A I don't know.
- Q Were any of your Choctaw ancestors recognised members of the Choctaw tribe of Indians at that time? A I don't know.
- Q Did any of your Choctaw ancestors remove from the old Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation in the Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1831 to

G.W.Nicholas----4

1838? A I don't know.

Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of Dancing Rabbit Creek signify to the agent of the Government in Mississippi at that time whose name was Col. William Ward, an intention to remain in Mississippi, take land there and become a citizen of the States as is provided under article fourteen of the treaty of 1830? A I don't know.

Q Did you ever hear in your family that any of your ancestors ever attempted to comply with the provisions of article fourteen of the treaty of 1830? A No sir.

Q Did you ever hear in your family that any of your ancestors ever went to Col. Ward and told him that they wanted to stay in Mississippi, take land there and become citizens of the States? A No sir.

Q Did any of your Choctaw ancestors ever claim or receive any land in Mississippi from the Government of the United States under the provisions of article fourteen of the treaty of 1830? A I don't know.

In accordance with the provisions of article fourteen of the treaty of 1830 the Government directed an agent in Mississippi to register the names of those Choctaws who might desire to remain in Mississippi, take land there and become citizens of the States. The records of the Government show that this agent failed to register and report to the Government the names of many Choctaws who did signify their intention of remaining in Mississippi and complying with the provisions of article fourteen of the treaty of 1830, and on this account in many instances the land upon which the Indians lived and had improvements and which they desired reserved for them under article fourteen was sold at Public Land Sale by the Government and the Choctaws deprived of their land; this caused much complaint among the Choctaws and finally the matter was brought to the attention of Congress and Congress by acts passed in 1837 and 1842 created Commissions who went to Mississippi and heard a large number of Choctaws who claimed that they had complied with article fourteen of the treaty of 1830 but that their lands had been sold by the Government.

Q Did any of your Choctaw ancestors ever appear before either the Commission appointed in 1837 or that appointed in 1842 and attempt to establish their rights under article fourteen of the treaty of 1830? A I don't know.

Q Did you ever hear that they did? A No sir.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with the provisions of article fourteen but that his land had been sold by the Government that he should be entitled to select land elsewhere in Mississippi, or in Alabama, Louisiana or Arkansas, to be taken from vacant Government land and that a certificate to that effect should be given him; these certificates were called scrip.



G.W.Nicholas-----5

- Q Did any of your Choctaw ancestors ever receive any such scrip from the Government under that act of Congress? A No sir.  
Q So far as you knew were any of your Choctaw ancestors ever recognized members of the Choctaw tribe of Indians? A No sir.  
Q So far as you know did they ever receive any benefits as such? A No sir.  
Q Have you any witnesses you desire to introduce? A No sir.  
Q Have you any documents to present? A No sir.  
Q Do you desire time in which to introduce further testimony? A Yes sir.

Thirty days time is allowed this applicant in which to introduce proper testimony in support of this application; this time will not be extended.

- Q Do you speak or understand the Choctaw language? A No sir.  
Q Does your mother speak or understand the Choctaw language? A No sir.  
Q Have you any further statements you desire to make? A No sir.  
Q Your brother Benjamin F. Nicholas has just appeared before the Commission, hasn't he? A Yes sir.  
Q Do you desire your case to be considered with his? A Yes sir.  
Q And also other cases claiming under a common ancestor? A Yes sir

Reference is made to the case of Joseph Crouch, M.C.R. 6468 for the purpose of consolidation.

- Q Do you know that Joseph Crouch was any relation to you? A Yes, a cousin of mine.

Applicant has appearance of being a white man; shows no indication of being possessed of Choctaw blood; black hair, gray eyes, medium fair complexion; has no knowledge of the compliance of his ancestors with the provisions of article fourteen of the treaty of 1830.

-----

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings in the above case March 21, 1903, and that this is a full, true and correct transcript of his stenographic notes in same.

Subscribed and sworn to before me this 2 day of April, 1903.

*Henry G. Hains*

*Charles H. Sawyer*  
Notary Public



M.C.R. 7383  
COPY: M.C.R. 7386  
M.C.R. 7213

Muskogee, Indian Territory, July 22, 1904.

George W. Nicholas,  
Wilmer, Texas.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on July 20, 1904, rendered its decision (Commissioner Needles dissenting) refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Susan Crouch et al., including you and your minor child, Elbert F. Nicholas; Drucilla C. Nicholas, and Annie B. Trapp and her minor children, George W., Walter and Henry Trapp.

You are further notified that you will be allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

*I. B. Needles.*

Commissioner in Charge.

NOB-7385-7386-  
7212-7387.

Muskogee, Indian Territory, March 19, 1907.

George W. Nicholas,  
Wilmer, Texas.

Dear Sir:

You are hereby notified that the Secretary of the Interior on February 12, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of July 20, 1904, refusing the applications for the identification as Mississippi Choctaws of the several persons included in the consolidated case of Susan Crouch et al.

Respectfully,

Commissioner

No. 7213

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

MAR 21 1903

Date

Name George W. Nicholas

Age 26 Blood 1/16

Post Office, Wilmer, Texas.

Father: George W. Nicholas L

Mother: Drucilla C. L

Claims through mother

Wife Bertha B. Nicholas, w. L.  
(No claim for her)

Children:

Elbert F. Nicholas, 2.

(Claims for self, one child)

Stenographer H. G. Hains

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.

R. 721

George W. Nicholas, et al

DECISION RENDERED

JUL 20 1904

OF 100 IN FORWARDED

JUL 22 1904

COPY OF DECISION FORWARDED  
ATTORNEYS FOR CHOCTAW AND  
CHICKASAW NATIONS.

JUL 22 1904

COPY OF DECISION FORWARDED  
ATTORNEY FOR APPLICANT.

JUL 22 1904

RECORD FORWARDED DEPARTMENT.  
JUL 22 1904

ACTION APPROVED BY SECRETARY OF INTERIOR.

FEB 12 1907

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

MAR 19 1907

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT.

MAR 9 1907

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

REFUSED

Choctaw MCR 7214

Dink Malone

MCR 7214

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskegee, I.T. March 21, 1903.

7214

In the matter of the application of Dink Malone for the identification of himself and his two minor children, Emmelee and Addie M. Malone, as Mississippi Choctaws.

Harry Person, attorney for applicant:

Dink Malone being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Dink Malone.  
Q How old are you? A Twenty four.  
Q What is your post office address? A Ferris, Texas.  
Q How long have lived at Ferris? A About 9 months.  
Q Where did you live before that? A Wilmer, Dallas County.  
Q Were you born in Texas and lived there all your life? A Yes sir.  
Q What is your father's name? A Drury A. Malone.  
Q Is he living? A No sir.  
Q What is your mother's name? A Annie Hoskins.  
Q She married a man since the death of your father? A Yes sir.  
Q Is she living? A Yes sir.  
Q Which one of these parents do you claim your Choctaw blood through? A Father.  
Q How much Choctaw blood do you claim? A A sixteenth.  
Q Where and when were your father and mother married? A In '74; in Dallas.  
Q Have you any evidence of their marriage with you at this time?  
A No sir.

It will be necessary that you supply the Commission with the evidence of your parents marriage in support of your application for identification as a Mississippi Choctaw.

- Q Through which one of his parents did your father claim his Choctaw blood? A Through his mother; my grandmother.  
Q What was her name? A Nancy.  
Q What was your father's father's name? A Giles S. Malone.  
Q He was a white man and claimed no Choctaw blood? A Yes sir.  
Q How much Choctaw blood did Nancy Malone have? A One fourth.  
Q What was Nancy Malone's maiden name? A grandmother.  
Q Are you sure of that? A Yes sir.

Dink Malene---2

Q What was her father's name? A I don't remember.  
Q What was her mother's name? A Rachel Brashears.  
Q How is it you can remember the name of Nancy Malene's mother but not her father? A I don't know.  
Q Did you ever hear that Nancy Malene's maiden name was Brashears? A Yes sir.  
Q When did you hear that? A I have heard my people speak of it.  
Q When? A I don't know how long it has been. Several years I suppose.  
Q You always understood that Nancy Malene's maiden name was Brashears? A Yes sir.  
Q You don't know her father's name? A No sir.  
Q You never heard that her maiden name was Adam, did you? A No sir.  
Q Have you any evidence of the marriage of Giles B. Malene and Nancy Malene? A Not with me.

It will be necessary that you furnish the Commission with evidence of the marriage of Giles B. Malene and Nancy Malene in support of this application you make; that evidence should be furnished in the form of the original marriage license and certificate or certified copy of the same.

Q Are you married? A Yes sir.  
Q What is your wife's name? A Ora.  
Q She is a white woman? A Yes sir.  
Q Claims no Choctaw blood? A No sir.  
Q Is your wife living? A Yes sir.  
Q You make no claim for her? A No sir.  
Q Have you any minor children for whom you wish to apply? A Yes.  
Q What are their names and ages? A Emmeline (Spelling it out.)  
Q How old is she? A Eighteen months old.  
Q Boy or girl? A Girl.  
Q Next? A The next one is one month old, Addie M.  
Q You are the father of these children? A Yes sir.  
Q Ora Malene the mother? A Yes sir.  
Q These children claim their Choctaw blood through you? A Yes sir.  
Q When and where were you married to Ora? A In Dallas County.  
Q Under license of the State of Texas? A Yes sir.  
Q Have you any evidence of that marriage with you at this time?  
A Yes sir.

Applicant offers in evidence certified copy of the marriage license and certificate of Dink Malene and Miss Ora Mesier, received, filed, marked Exhibit "A".

Q Is your name to be found upon any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.  
Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as a member of that tribe? A No sir.  
Q Did you or anyone for you in the year 1896 make application to



Dink Malone-----3

this Commission for citizenship in the Choctaw Nation under the act of Congress approved June 10, 1896? A No sir.

Q Did you or anyone for you ever make application to the Choctaw tribal authorities in the Indian Territory--? A No sir.

Q Is this the first application of any description for citizenship or enrollment that you have ever made? A Yes sir.

Q Do you come before the Commission now to claim rights in the Choctaw lands for yourself and children under article fourteen of the treaty of 1830? A Yes sir.

Article fourteen reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Is that the provision of law under which you are claiming your right to identification as a Mississippi Choctaw? A Yes sir.

Q What is the name of your Choctaw ancestor through whom you claim these rights? A Rachel Brashears.

Q Did any of your Choctaw ancestors comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A Not that I know of.

Q Did you ever hear that they did? A No sir.

Q Were any of your Choctaw ancestors living in the old Choctaw Nation in Mississippi or Alabama in 1830 when this treaty was made? A I don't know.

Q Do you know where your grandmother, Nancy Malone was born? A No sir.

Q Knew where she lived during her life time? A No sir.

Q Where was your father born? A In Texas.

Q Lived in Texas all his life? A Yes sir.

Q How old would your father be if he were living now? A I don't know exactly.

Q About how old? A About fifty four or five. I guess; somewhere in there.

Q Were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians in 1830? A Not that I know of.

Q Did any of your Choctaw ancestors own an improvement upon what constituted the old Choctaw Nation in Mississippi or Alabama in 1830 when this treaty was made? A I don't know.

Q Did any of your Choctaw ancestors ever remove from the old Choctaw Nation in Mississippi and Alabama to the present Choctaw



Dink Malone-----4

Nation in the Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A I don't know.

Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of Dancing Rabbit Creek signify to the agent of the Government in Mississippi at that time their intention of remaining in Mississippi, taking land there and becoming citizens of the States? A I don't know.

Q Did you ever hear that any of your Choctaw ancestors ever went to Col. Ward and complied or attempted to comply with the provisions of article fourteen of the treaty of 1830? A No sir.

Q Did any of your Choctaw ancestors ever claim or receive any land from the Government of the United States under the provisions of article fourteen of the treaty of 1830? A No sir.

Q Do you know how many brothers or sisters your grandmother, Nancy Malone had? A No sir.

Q Do you know whether she had any or not? A No sir.

In accordance with the provisions of article fourteen of the treaty of 1830 the Government directed an agent in Mississippi to register the names of those Choctaws who might desire to remain in Mississippi, take land there and become citizens of the States. The records of the Government show that this agent failed to register and report to the Government the names of many Choctaws who did signify their intention to stay in Mississippi and comply with the provisions of article fourteen of the treaty of 1830 and on this account in many instances the land upon which the Indians lived and had improvements and which they desired reserved for them was taken by the Government and sold at its Public Land Sale and the Choctaws deprived of their land; this caused much complaint among the Choctaws and finally the matter was brought to the attention of Congress and Congress by acts passed in 1837 and 1842 created Commissions who went to Mississippi and heard the claimants under article fourteen of the treaty of 1830.

Q Did any of your Choctaw ancestors appear before either of these two Commissions and attempt to establish their rights under article fourteen of the treaty of 1830? A No sir.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with the provisions of article fourteen of the treaty of 1830 but that his land had been sold by the Government he should be entitled to select land in Mississippi, Alabama, Arkansas or Louisiana to be taken from vacant Government land and that a certificate to that effect should be given the; these certificates were called scrip.

Q Did any of your ancestors ever receive any such scrip from the Government under this act of Congress? A No sir.

Q So far as you know have any of your ancestors ever been recognized members of the Choctaw tribe of Indians? A No sir.

D.Malone---5

- Q So far as you know have they ever received any benefits as such?  
A No sir.  
Q Any further statements you wish to make? A No sir.  
Q Have you any documentary evidence you wish to present? A No sir.  
Q Have you any witnesses here present to call? A No sir.  
Q Do you desire time in which to present further testimony? A Yes sir.

Thirty days time from this date is allowed in which to present it in support of this application.

- Q Do you speak or understand the Choctaw language? A No sir.  
Q Did your father speak or understand the Choctaw language? A No sir.  
Q What relation is Joseph Crouch to you? A Cousin.  
Q Benjamin F. and George W. Nicholas are cousins? A Yes sir.  
Q Do you desire your case consolidated with theirs and all considered together? A Yes sir.

Reference is made to the case of Joseph Crouch et al., N.C.R. 6468, for the purpose of consolidation.

This applicant has the appearance of a white man; shows no indication of being possessed of Indian blood of the Choctaw; brown hair, brown eyes, dark complexion; has no knowledge of the compliance on the part of any of his ancestors with the provisions of article fourteen of the treaty of 1830.

---00000000---

Henry G. Haine being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case March 21, 1903, and that this is a full, true and correct transcript of his stenographic notes in same.

*Henry G. Haine*

Subscribed and sworn to before me this 2 day of April, 1903.

*Charles H. Sawyer*

Notary Public.

COPY.

Muskogee, Indian Territory, July 22, 1904.

Dink Malone,

Ferris, Texas,

Dear Sir:-

You are hereby notified that the Commission to the Five Civilized Tribes, on July 20, 1904, rendered its decision (Commissioner Needles dissenting) refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Susan Crouch et al., including you, Emilee Malone and Addie M. Malone.

You are further notified that you will be allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commission of Indian Affairs.

Respectfully,

SIGNED

T. B. Needles.

Commissioner in Charge.

Registered.

MCR-7214.

Muskogee, Indian Territory, March 13, 1907.

Dink Malone,  
Ferris, Texas.

Dear Sir:

You are hereby notified that the Secretary of the Interior on February 12, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of July 20, 1904, refusing the applications for the identification as Mississippi Choctaws of the several persons included in the consolidated case of Susan Crouch et al.

Respectfully,

Commissioner.

No. 7214

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

MAR 21 1903

Date

Name *Dink Malone*

Age *24* Blood *1/16*

Post Office: ~~Paris~~, *Ferris, Tex*

Father: *Drury A. Malone D*

Mother: *Annie Hoskins L*

Claims through *father*

*wife: Ora Malone, w. L.*

*(No claim for her,*

Children:

*Emmelee Malone (F) 18 mo*

*Addie M. " 1 mo*

*(Claims for self & 2 minor children,*

Stenographer *H. G. Nain*

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.

R-7214

*Dink Malone, et al.*

DECISION RENDERED

JUL 22 1904

DECISION FORWARDED

JUL 22 1904

JUL 22 1904

APPROVED BY SECRETARY OF INTERIOR  
ORIGINAL FILED

JUL 22 1904

ONLY ONE COPY TO BE KEPT

FOR THE RECORDS

JUL 22 1904

CORD FORWARDED DEPARTMENT

JUL 22 1904

ACTION APPROVED BY SECRETARY OF INTERIOR

FEB 12 1907

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

MAR 19 1907

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT.

MAR 19 1907

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

MAR 19 1907

REFUSED

REFER TO M. C. R.

Choctaw MCR 7215

Sarah Drolte

MCR 7215



Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. March 21, 1903.

7216

In the matter of the application of Sarah Drolte for identification as a Mississippi Choctaw.

Thomas & Harrison, attorneys for applicant.

Sarah Drolte having duly affirmed, testified as follows:

Examination by the Commission:

- Q What is your name? A Sarah Drolte.  
Q How old are you? A I am sixty.  
Q What is your post office address? A Elkton, Oklahoma.  
Q How long have you lived in Oklahoma? A About one month.  
Q Where did you live before that? A Kansas.  
Q How long did you live in Kansas? A About twenty years.  
Q Where did you live before that? A Illinois.  
Q How long did you live in Illinois? A I was born there.  
Q Lived there till you moved to Kansas? A Yes sir.  
Q What is your father's name? A Reuben Harper.  
Q Is he living? A No sir.  
Q What is your mother's name? A Maria.  
Q Is she living? A No sir.  
Q Through which parent do you claim your Choctaw blood? A My father.  
Q How much Choctaw blood do you claim? A About one fourth I think.  
Q When were your father and mother married? A I can't tell.  
Q Have you any evidence of their marriage with you at this time?  
A No sir.

It will be necessary that you supply the Commission with proper evidence of the marriage of your parents in support of this application which you make for identification as a Mississippi Choctaw.

- Q Have you any older brothers or sisters? A Yes sir.  
Q How much older than you is the eldest? A About eight years I think.  
Q Do you know whether your father and mother were married before 1830? A I can't say; we lost our record.  
Q Through which one of his parents does your father claim his Choctaw blood? A Through his father.  
Q What is his father's name? A Charles Harper I think.



S.Drolte----2

- Q What is your father's mother's name? A I can't tell you.  
Q She was a white woman, was she, claiming no Choctaw blood?  
A I don't know positively.  
Q You don't claim anything through her? A I don't know whether she--  
Q I am asking you whether you claim any Choctaw blood through her?  
A I don't know whether she was or not; I never had no time to trace this thing so I can't say; my oldest sisters might.  
Q Through which of his parents did Charles Harper claim his Choctaw blood? A I suppose from old Mohn Harper.  
Q Do you know he did? A No sir.  
Q Do you know what his father's name was? A No sir.  
Q Do you know what his mother's name was? A No sir.  
Q You are not able to trace your Choctaw ancestry back any farther than your grandfather, Charles Harper? A No sir.  
Q Are you married? A Yes sir.  
Q What is your husband's name? A Henry W. Drolte.  
Q He is a white man? A Yes sir, he is a Dutchman.  
Q Claims no Choctaw blood? A No sir.  
Q You make no claim for him? A No sir.  
Q Have you any minor children for whom you wish to apply? A No sir.  
Q This application is for yourself alone? A Yes sir.  
Q Is your name to be found upon any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.  
Q Did you ever make application to the Choctaw tribal authorities in the Indian Territory to be enrolled as a member of that tribe?  
A No sir.  
Q Did you ever make application in the year 1896 for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896?  
A No sir.  
Q Is this the first application of any description for citizenship or enrollment in the Choctaw Nation that you have ever made?  
A Yes sir.  
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the provisions of article fourteen of the treaty of 1830? A Yes sir

Article fourteen of the treaty of 1830 reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

S. Drolte----3

- Q Is that the provision of law under which you claim your right to identification as a Mississippi Choctaw? A Yes sir.
- Q What is the name of your Choctaw ancestor through whom you claim these rights? A Harper.
- Q Full name? A Charles Harper.
- Q Your grandfather? A Yes sir and my father.
- Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A I can't say.
- Q Were any of your Choctaw ancestors living in the old Choctaw Nation in Mississippi and Alabama in 1830 when this treaty was made? A I can't say.
- Q Were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians at that time? A I don't know.
- Q Did any of your Choctaw ancestors own an improvement in the old Choctaw Nation in Mississippi and Alabama in 1830 when this treaty was made? A I don't know.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 signify to the agent of the Government in Mississippi at that time an intention to remain in Mississippi, take land there and become citizens of the States as is provided under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors remove from the old Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation, Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians between 1833 and 1838? A I can't say.
- Q Did you ever hear that any of your ancestors, Indians, went to the Indian agent in Mississippi and endeavored to comply or did comply with the provisions of article fourteen of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors ever claim or receive any land in Mississippi from the Government under article fourteen of the treaty of 1830? A I don't know.
- Q You never heard that they did? A No sir.

In accordance with the provisions of article fourteen of the treaty of 1830 the Government directed an agent in Mississippi, to register the names of those Choctaws who might desire to remain in Mississippi, take land there and become citizens of the States. The records of the Government show that this agent failed to register and report to the Government the names of many Choctaws who really did signify their intention to him to stay in Mississippi and comply with the provisions of article fourteen of the treaty of 1830 and on this account in many instances the land upon which Indians lived and had improvements and which they desired reserved for them under article fourteen of the treaty was sold by the Government at Public Land Sales and the Choctaws deprived of their land; this caused a great deal of complaint among the Choctaws and finally the matter was brought to the attention of Congress and Congress by acts passed in 1837 and 1842 recreated Commission which went to Mississippi and heard the claims of Choctaws under article fourteen of the treaty of 1830.

S. Drolte-----4

Q Did any of your Choctaw ancestors appear before any of the Commissions appointed in 1837 and 1842 and endeavor to have their rights adjudicated under article fourteen of the treaty of 1830?  
A Not that I know.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with all the provisions of article fourteen of the treaty of 1830 but that his land had been sold by the Government that he should be entitled to select land elsewhere in Mississippi, or in Alabama, Arkansas or Louisiana, to be taken from vacant Government land and that certificates to that effect should be given him; these certificates were called scrip.

Q Did any of your ancestors ever receive any such scrip? A Not as I know of.

Q So far as you know have any of your ancestors ever been recognized members of the Choctaw tribe of Indians? A I can't say.

Q So far as you know have they ever received any benefits as such?  
A I can't say; I guess they didn't; I don't know; I can't say for certain.

Q Have you any witnesses that you desire to introduce? A No sir.

Q Have you any documentary evidence to present? A No sir.

Q Do you desire time in which to introduce further evidence?  
A Yes sir.

Time will be allowed--thirty days from this date, within which to present proper testimony before this Commission in support of this application; this time will not be extended.

Q Do you speak or understand the Choctaw language? A No sir.

Q Have you any further statements you wish to make? A No sir.

#### Examination by Mr. Harrison:

Q Did you understand all the questions generally asked you?  
A I don't know; I have hunted up this matter.

Q Did you fully understand this question: Whether or not any of your ancestors complied or attempted to comply with the provisions of article fourteen of the treaty of 1830? A No, I don't know.

Q Have you ever heard in your family as a part of your family history or the tradition of your family that your grandfather or anyone of your ancestors tried to get some land down in Mississippi about 1830 as a Choctaw Indian? A I was small when mother died and I don't know anything about these things and of course I never heard anything about it.

Q That's all.

#### By the Commission:

Q You never heard anything of that in your family? A I was only five years old.

S. Drolte----5

Q You never heard that mentioned by your family connections?  
A No sir, not at home.

By Mr. Harrison:

Q Is it not a fact that for a good many years you have lived away from a large number of your relatives? A I never lived near them.

Q It is for this reason you know very little about your family history? A Yes sir, my sisters has known more.

By the Commission:

This applicant has the appearance of a white person; shows no indications of being possessed of Indian blood; brown hair, light complexion, gray eyes; has no knowledge of the compliance on the part of any of her ancestors with the provisions of article fourteen of the treaty of 1830.

-- --

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case March 21, 1903, and that this is a full, true and correct transcript of his stenographic notes in same.

*Henry G. Hains.*

Subscribed and sworn to before me this 15 day of April, 1903.

*Charles H. Sawyer*

Notary Public.

M C R /  
6770-7263-7218  
7396-7356

Muskogee, Indian Territory, April 22, 1903.

Thomas & Harrison,  
Attorneys at Law,  
Muskogee, Indian Territory.

Gentlemen:

~~Receipt is hereby acknowledged~~ of your letter of the 18th instant, enclosing certified copy of marriage license and certificate between John H. Lauver and Maggie D. Drolte, offered in support of the application made by Maggie D. Lauver for the identification of herself and minor children as Mississippi Choctaws.

Also certificate of record of marriage between Reuben Harper and Mariah Low, offered in support of the application made by Sarah Drolte for identification as a Mississippi Choctaw.

Also affidavits of J. H. Robertson and Winnie J. Hallett, offered in support of the application made by Martha Webb for the identification of herself and minor children as Mississippi Choctaws.

Also marriage certificate of Frank Webb and Eva Belle Brinson, offered in support of the application made by Frank Webb for the identification of himself and minor children as Mississippi Choctaws.

Also joint affidavit of Nancy and Melissa Garrett, affi-

T & H 2

deavit of Perry Cheatham and certificate of Clerk of Montgomery county, Kentucky, offered in support of the application made by Nancy Thompson for the identification of herself and minor children as Mississippi Choctaws.

The above mentioned documents have been filed in the respective cases.

Respectfully,

Chairman.

Muskogee, Indian Territory, November 7, 1903.

Thomas & Harrison,  
Attorneys at Law,  
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission has this day notified Sarah Drolte that she will be allowed thirty days from this date in which to submit further evidence in support of her application for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein, and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M.C.R. 7215

Muskogee, Indian Territory, November 7, 1903.

Sarah Drolte,

Elkton, Oklahoma.

Dear Madam:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of your application for identification as a Mississippi Choctaw, and at the expiration of that time this Commission will proceed to render its decision therein, and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.



Muskogee, Indian Territory, March 19, 1904.

Sarah Drolte,

Elkton, Oklahoma.

Dear Madam:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which your application for identification as a Mississippi Choctaw was made a part, refusing said application.

You are further advised that a copy of such decision has been furnished your attorneys of record, Thomas & Harrison, Muskogee, Indian Territory; that the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted to the Secretary of the Interior for his consideration with such argument and brief as may be submitted by your attorneys.

Respectfully,

Registered.

Commissioner in Charge.

M O R 7215

Muskogee, Indian Territory, June 26, 1905.

Sarah Drolte,

Elkton, Oklahoma.

Dear Madam:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 19th day of March, 1904.

Respectfully,

Chairman.

13

No.

7215

## FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

MAR 21 1903

Date

Name Sarah Drotte

Age 60. Blood 1/4

Post Office, Elkton, Okla.

Father: Reuben Kasper D.

Mother: Maria D.

Claims through father

Husband:

Henry W. Drotte, w. 2  
(No claim for him)

Children

(Claims for self alone)

Stenographer

H. G. Hains

FILED  
FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.

R. 721

*Sarah Krolle*

DECISION RENDERED.

MAR 4 1904

COPY OF DECISION FORWARDED  
ATTORNEYS FOR CHOCTAW AND  
CHICKASAW NATIONS.

MAR 4 1904

NOTICE OF DECISION MAILED APPLICANT. MAR 19 1904

COPY OF DECISION FORWARDED  
ATTORNEY FOR APPLICANT.

MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904.

ACTION APPROVED BY  
SECRETARY OF INTERIOR.

MAR 30 1905

NOTICE OF DEPARTMENTAL  
ACTION MAILED APPLICANT.

JUN 26 1905

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR APPLICANT.

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

REFLECT TO MAR 4

5670

Choctaw MCR 7216

Annie M. Smith

MCR 7216

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. March 21, 1903.

7216

In the matter of the application of Annie M. Smith for the identification of herself and her three minor children, Luella, and Jessie Laws, and Hattie Smith, as Mississippi Choctaws.

J.C.Lowrie, attorney for applicant:

Annie M. Smith being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Annie M. Smith.  
Q How old are you? A Twenty eight.  
Q What is your post office address? A Whittaker, Texas.  
Q How long have you lived in Whittaker, Tex as? A Three years.  
Q Where did you live before that? A Pitts Brings.  
Q Were you born in Texas? A Yes sir.  
Q Lived in Texas all your life? A Yes sir.  
Q What is your father's name? A Giles Oldham.  
Q Is he living? A Yes sir.  
Q What is your mother's name? A Patreta.  
Q Is your mother living? A Yes sir.  
Q Through which parent do you claim your Choctaw blood? A Father.  
Q How much Choctaw blood do you claim? A Three sixteenths I guess.  
Q How much Choctaw blood did your father have? A Three eights he claimed to have.  
Q How old is your father? A He was sixty two years last August.  
Q Where was your father born? A Texas.  
Q Lived in Texas all his life? A Yes sir.  
Q What is your mother's blood? A Colored.  
Q What is your father's blood other than Choctaw? A White.  
Q White and Choctaw? Didn't he have any negro blood? A No sir; by his mother he was Choctaw and his father was white.  
Q Was your mother a slave? A Yes sir.  
Q Was your father a slave? A No sir.  
Q Are you sure about that? A Yes sir; he went wherever he wanted to.  
Q Were your father and mother married? A Yes sir.  
Q Married during slavery? A Yes sir, I think the next year after the War.  
Q Where were they married? A Texas.  
Q Married under a license of the State of Texas? A Yes sir.  
Q Did they obtain a marriage license? A Yes sir.  
Q Have you the marriage license with you now? A No sir.

It will be necessary that you supply the Commission with proper evidence of your parents' marriage in support of this claim.

- Q Through which one of his parents did your father get his Choctaw blood? A His mother.
- Q How much Choctaw blood did his mother have? A Three fourths.
- Q Is she living? A Yes sir.
- Q What is her name? A Phyllis Oldham.
- Q What was your father's father's name? A Jim Early.
- Q What was his blood? A He was three fourths Indian; Choctaw.
- Q And your father's mother, Phyllis Oldham was three fourths Indian? A Yes, I guess so.
- Q You guess so? A Yes sir; my grandfather he was 1/2 Indian.
- Q Now you say that your father is three eighths? A Yes sir.
- Q And he claims his Choctaw blood through which parent, father or mother? A His mother.
- Q His mother was Phyllis Oldham? A Yes sir.
- Q What was the name of the husband of Phyllis Oldham, your father's father? A Jim Early.
- 
- Q Was he a white man or Choctaw? A Choctaw.
- Q Are you sure? A Yes sir.
- Q How much Choctaw blood--- A I don't understand you; you say my father's father? He was white.
- Q Are you sure about that? A Yes sir.
- Q Was he married to your father's mother? A I don't know sir.
- Q How through which of her parents did Phyllis Oldham claim her Choctaw blood? A Her mother.
- Q What was her mother's name? A Patsy Early.
- Q Was Patsy's daughter, Phyllis Oldham, a slave? A No sir.
- Q Are you sure about that? A Yes sir.
- Q Was Patsy Early a slave? A I don't know sir, never heard them say.
- Q How does it come that the name of Phyllis Oldham's mother was Patsy Early and the name of Phyllis Oldham's husband was Early? A Her husband's name was Major Early.
- Q Who was Jim Early? A That's my grandmother's father.
- Q Well, now, I asked you a few moments ago what the name of your father's father was and you said Jim Early. A His name was Major Early.
- Q What was his blood? A White.
- Q Was he married to Phyllis Oldham? A I suppose so.
- Q Did your father ever have any older brothers and sisters? A Yes, he have a older brother.
- Q How much older than him? A He has two brothers older; one is dead and the other's in Oklahoma City; I think about two years older than my father.
- Q How much older than your father is the brother who died? A I don't know sir. He was older than the one I told you; I guess maybe about four years older than my father.
- Q And your father is how old now? A Sixty three years last August.
- Q Now, through which one of her parents did Phyllis Oldham claim her Choctaw blood? A Through her mother and father.
- Q What was Phyllis Oldham's father's name? A I don't know sir.
- Q You stated a while ago that his name was Jim Early. A That's right and her mother was named Patsy Early.
- Q How much Choctaw blood did Jim Early have? A Half.
- Q What was the other half? A I don't know.
- Q Was it negro? A Yes sir, colored.
- Q How much Choctaw blood did Patsy have? A Full blood.
- Q Full blood Choctaw? A Yes sir.
- Q Are you married? A Yes sir.
- Q What is your husband's name? A Joe Smith.

Q What is his blood? A Colored.  
Q Negro? A Yes sir.  
Q Is he living? A Yes sir.  
Q He claims no Choctaw blood? A No sir.  
Q You make no claim for him? A No sir.  
Q Have you any children for whom you wish to apply? A Yes sir.  
Q What are their names and ages? A One's eight years old; Luella.  
Q Next? A Jessie.  
Q Boy or girl? A Girl.  
Q How old? A She's six.  
Q Next? A Hattie.  
Q How old is Hattie? A One year old in December.  
Q Is that all? A Yes sir.  
Q This application then is for yourself and three children is it? A Yes sir.  
Q You are the mother of these children? A Yes sir.  
Q Joe Smith is the father? A Yes sir; of ~~xxx~~ the youngest ones.  
Q What is the name of the father of the other? A Comp Laws.  
Q Then the sur-name of these two first children is Laws? A Yes sir.  
Q What is his blood? Comp Laws? A Nigger.  
Q Is he living? A I heard he was dead; I can't tell you.  
Q Were you divorced from him? A Yes sir.  
Q Is your name or the name of any of your minor children to be found upon any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.  
Q Did you or anyone for you or for any of your minor children ever make application to the Choctaw tribal authorities in the Indian Territory to be enrolled as members of that time? A No sir.  
Q Did you or anyone for you in 1896 make application to this Commission for citizenship in the Choctaw Nation under the act of Congress approved June 10, 1896? A No sir.  
Q Is this the first application of any description for citizenship or enrollment in the Choctaw Nation that you ever made? A Yes sir.  
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under article fourteen of the treaty of 1830? A Yes sir.

Article fourteen of the treaty of 1830 reads as follows:  
"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half the quantity for each unmarried child who is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of the treaty in that case a grant in fee simple shall issue. said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Is that the provision of law under which you are claiming your right to identification as a Mississippi Choctaw? A Yes sir.



A.M.Smith----4

Q What is the name of your Choctaw ancestor through whom you claim these rights? A Patsy Early and Jim.

Q Patsy Early and Jim Early were your great grandparents, weren't they? A Yes sir.

Q You had a less remote ancestor than Patsy or Jim Early who was living in 1830 and head of a family at that time in the person of Phyllis Oldham, didn't you? A Yes sir.

Q Did any of your Choctaw ancestors comply or attempt to comply with the provisions of article fourteen of the treaty of 1830?

A No sir.

Q Were any of your Choctaw ancestors living in the old Choctaw Nation in Mississippi or Alabama in 1830 when this treaty was made?

A No sir.

Q Did any of your Choctaw ancestors own an improvement in the year 1830 upon what constituted the old Choctaw Nation in Mississippi and Alabama? A No sir.

Q Were any of your Choctaw ancestors recognized members of the Choctaw Nation in Mississippi and Alabama in 1830 when this treaty was made? A No sir.

Q Did any of your Choctaw ancestors remove from the old Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians between 1833 and 1838?

A No sir.

Q Did any of your Choctaw ancestors within six months from the ratification of the treaty of Dancing Rabbit Creek signify to the agent of the Government in Mississippi at that time their intention to remain in Mississippi, take land there and become citizens of the States? As is provided under article fourteen of the treaty of 1830? A No sir.

Q Did any of your Choctaw ancestors ever claim or receive any land in Mississippi from the Government under the provisions of article fourteen of the treaty of 1830? A No sir.

In accordance with the provisions of article fourteen of the treaty of Dancing Rabbit Creek the Government directed an agent in Mississippi to register the names of those Choctaws who might desire to remain in Mississippi and comply with the provisions of article fourteen of the treaty of 1830. The records of the Government show that this agent failed to register and report to the Government the names of many Choctaws who did signify to him their intention to remain in Mississippi and comply with the provisions of that article of the treaty of 1830 and on this account in many instances the land upon which the Indians lived and had improvements and which they desired reserved for them under article fourteen was sold by the government at Public Land Sale and the Choctaws deprived of their land. This caused many complaints among the Choctaw Indians and finally the matter was brought to the attention of Congress and Congress by acts passed in 1837 and 1842 created Commissions who went to Mississippi and heard the claims of Choctaws under article fourteen of the treaty of 1830.

Q Did any of your ancestors appear before the Commission appointed in 1837 or before the Commission appointed in 1842 and attempt to establish their rights under article fourteen of the treaty of 1830? A No sir.

A.W.Smith----5

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with all the provisions of article fourteen of the treaty of 1830 but that his land had been sold by the Government that he should be entitled to select land in Mississippi, Alabama, Arkansas or Louisiana, to be taken from vacant Government land and that a certificate to that effect should be given him; these certificates were called scrip.

Q Did any of your ancestors ever receive any such scrip from the Government under this act of Congress? A No sir.

Q So far as you know have any of your ancestors ever been recognized members of the Choctaw tribe of Indians? A No sir.

Q So far as you know have they ever received any benefits as such? A No sir.

Q Have you any witnesses you desire to introduce? A No sir.

Q Have you any documentary evidence you desire to present? A

A No sir.

Q Do you desire time in which to introduce further testimony? (Attorney for applicant says yes.)

Thirty days from this time will be allowed this applicant in which to furnish such evidence; this time will not be extended.

Q Do you speak or understand the Choctaw language? A No sir.

Examination by J.C.Lowrie:

Q How old did you say you are? A Twenty eight.

Q What you know about your Choctaw ancestors is partly hereditary matter, aint it, that you get from your father? A Yes sir.

Q Now, you are the daughter of Giles Oldham? A Yes sir.

Q Now, you want your case consolidated with Giles Oldham's who has made application some time ago for identification as a Mississippi Choctaw? A Yes sir.

Q Did you have any other relatives who made application at that time? A J.S.Oldham. And Phyllis Oldham.

Q You have read that testimony over, haven't you? A Yes sir.

Q Now this same Giles Oldham is your father who made application there? A Yes sir.

By the commission:

Reference is made to the case of Giles Oldham, M.C.R. 5623, for the purpose of consolidation.

This applicant has the appearance of possession of a mixture of white and negro blood; light colored mulatto; hair is black and straight; she has no knowledge of the compliance on the part of

A.W.S mith----6

her ancestors with the provisions of article fourteen of the treaty of 1830. Her color might indicate that she is possessed of some Indian blood.

--

Henry G. Hains being sworn on his oath states that as stenographer to the commission to the Five Civilized Tribes he reported the above proceedings on March 21, 1903, and that this is a true, full and correct transcript of his stenographic notes in same.

*Henry G. Hains*

Subscribed and sworn to before me this 11<sup>th</sup> day of April, 1903.

*Charles H. Hays*

Notary Public.

2  
M.C.R. 7616.

COPY:

Muskogee, Indian Territory, November 24, 1903.

Annie M. Smith,

Whitaker, Texas.

Dear Madam:

You are hereby advised that on the 24th day of November 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Phyllis Oldham et al., embracing the following applications for identification as Mississippi

Choctaws:

Phyllis Oldham,	M.C.R.	6502
Jennie Heslep, et al.,	M.C.R.	6970
Annie M. Smith, et al.,	M.C.R.	7216
Giles Oldham, et al.,	M.C.R.	6823
James S. Oldham, et al.,	M.C.R.	6503
Hugo Oldham, et al.,	M.C.R.	6504
Austin Oldham, et al.,	M.C.R.	6971

These applications were made under the provisions of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts

necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Phyllis Oldham, Jennie Heslep, Robert Heslep, Annie M. Smith, Luella Laws, Jessie Laws, Hattie Smith, Giles Oldham, Samuel Oldham, Carrie Oldham, Dow Oldham, Walter Oldham, James S. Oldham, Willie Oldham, Hugo Oldham, Ellen Oldham, Hugo Oldham, Jr., Willard Oldham, Austin Oldham and Henry Oldham, as Choctaw Indians, entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*Tamie Bixby.*  
Chairman.

Registered.

M.C.R. 7216

Muskogee, Indian Territory, March 11, 1904.

Annie M. Smith,

Whitaker, Texas.

Dear Madam:

You are hereby notified that on the 24th day of February, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Phyllis Oldham, et al., of which decision you were advised by registered mail on the 24th day of November, 1903.

Respectfully,

SIGNED

*T. B. Needles*

Commissioner in Charge.

14

No. 7216

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 21 1903

Name *Ainnie M. Smith*  
Age *28* Blood *3/16* Whittaker  
Post Office, *Whitaker, Texas*  
Father: *Giles Oldham* white L.  
Mother: *Patreta " ney. L.*

Claims through *father*  
*Husband*  
*Joe Smith ney. L.*  
*No claim for him*

Children: *Laws*  
① *Luella ~~Smith~~* *8*  
② *Jessie " 6*  
*Hattie Smith 1.*

③ *Father; Comp Laws, ney.*

*(Claim for self & 3 children)*

Stenographer *H. G. Harris*

Annie M. K.

RECEIVED  
JAN 10 1903  
U.S. DEPT. OF JUSTICE  
RECEIVED

1903

RECEIVED  
JAN 10 1903

1903

RECEIVED  
JAN 10 1903

U.S. DEPT. OF JUSTICE  
RECEIVED  
JAN 10 1903

RECEIVED  
JAN 10 1903

RECEIVED  
JAN 10 1903

RECEIVED  
JAN 10 1903

... 2 ...  
... and ... with a sister ... 1903.



Choctaw MCR 7217

Jim Barker

MCR 7217

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. March 21, 1903.

7217

In the matter of the application of Jim Barker for the identification of himself and his minor child, John H. Barker, as Mississippi Choctaws.

No attorney for applicant.

Jim Barker, being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Jim Barker.  
Q How old are you? A Thirty.  
Q What is your post office address? A Hickory Flat, Mississippi.  
Q How long have you lived in Mississippi? A All my life.  
Q Born there? A Yes sir.  
Q Never lived anywhere else? A No sir.  
Q What is your father's name? A Henry Barker.  
Q Is he living? A Yes sir.  
Q What is your mother's name? A Alice Barker.  
Q Is she living? A Yes sir.  
Q Through which one of your parents do you claim your Choctaw blood? A My father.  
Q How much Choctaw blood do you claim? A A sixteenth.  
Q How old is your father? A About forty nine.  
Q Through which one of his parents does he claim? A His father.  
Q What is his father's name? A Nelson Barker.  
Q Nelson Barker, your grandfather, has appeared before the Commission to make application, hasn't he? A No sir.  
Q What is your father's mother's name? A Abbie.  
Q What is her blood? A Negro; African.  
Q How much Choctaw blood has your father? A One fourth.  
Q And you only claim one sixteenth? A Yes sir.  
Q What is his other blood beside Choctaw? A Negro I suppose.  
Q Don't you know its negro? A Yes sir.  
Q Was your father a slave? A Yes sir.  
Q Your mother was a slave? A Yes sir.  
Q How much Choctaw blood did Nelson Barker have? A A half.  
Q What is his other blood? A I don't know sir.  
Q Don't you know it was negro? A No sir; I don't know whether it was negro or white.  
Q What was the blood of Nelson Barker's wife? A Negro.  
Q Full blood negro? A I suppose so; she was dark.  
Q Through which parent did Nelson Barker claim his Choctaw blood? A His father.  
Q What was his father's name? A I have heard my father say that his name was Wickemingo.  
Q What was your great grandfather? A Yes sir.

- Q Did you ever hear that his name was Aberdeen? A No sir.  
 Q Where were your father and mother married? A In Mississippi.  
 Q Under a license? A I don't know sir; married since the war.  
 Q Have you any evidence of their marriage with you? A No sir.

It will be necessary that the Commission be supplied with evidence of your father and mother's marriage in support of this application which you make for identification as a Mississippi Choctaw.

- Q Was your grandfather, Nelson Barker, a slave? A I don't know, sir.  
 Q What do you think about it? A He was here in slavery time.  
 Q He was a slave, wasn't he? A I reckon he might have been.  
 Q Don't you reckon he must have been? A I reckon he was.  
 Q Are you married? A Yes sir.  
 Q What is your wife's name? A Lula.  
 Q What is her blood? A White and negro.  
 Q Is she living? A Yes sir.  
 Q She makes no claim to Choctaw blood? A No sir.  
 Q You make no claim for her? A No sir.  
 Q Have you any children you wish to apply for? A I have one child.  
 Q What is his name? A John H.  
 Q You are the father of this child? A Yes sir.  
 Q How old is John H.? A Eight years old.  
 Q Is Lula Barker the mother? A Yes sir.  
 Q This child claims his Choctaw blood through you? A Yes sir.  
 Q When were you married to Lula Barker? A In '91.  
 Q Married under a license? A Yes sir.  
 Q Have you the marriage license with you? A No sir.

It will be necessary that the Commission be supplied with evidence of this marriage in support of the application for your child; this evidence may be furnished within thirty days.

- Q Has your father through whom you claim your right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States?  
 A I don't know sir.  
 Q Is your name or the name of this minor child to be found upon any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.  
 Q Did you ever make application to the Choctaw tribal authorities in the Indian Territory to be enrolled as a member of that tribe?  
 A No sir.  
 Q Did you or anyone for you in 1896 make application to this Commission for citizenship in the Choctaw Nation under the act of June 10, 1896? A No sir.  
 Q Is this the first application of any description for citizenship or enrollment in the Choctaw Nation that you have ever made?  
 A Yes sir.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under article fourteen of the treaty of Dancing Rabbit Creek?

A Yes sir.

Article fourteen of the treaty of 1830 reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Is that the provision of law under which you are claiming your right to identification as a Mississippi Choctaw? A Yes sir.

Q What is the name of your Choctaw ancestors through whom you claim these rights? A Nelson Barker.

Q Your grandfather? A Yes sir.

Q He claimed through which parent? A Through his father.

Q What was his name? A Tishomingo.

Q And Tishomingo was the ancestor through whom you claim your rights? A Yes sir.

Q How much Choctaw blood did he have? A Full blood they say.

Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of article fourteen of the treaty of 1830?

A I don't know sir.

Q Were any of your Choctaw ancestors living in the old Choctaw Nation in Mississippi or Alabama in 1830 when this treaty was made?

A I don't know sir.

Q Were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians at that time? A I don't know sir.

Q Did any of your Choctaw ancestors own an improvement upon what constituted the old Choctaw Nation in Mississippi and Alabama?

A I don't know sir.

Q Did any of your Choctaw ancestors remove from the old Choctaw Nation in Mississippi and Alabama to the Indian Territory between 1833 and 1838 when the members of the Choctaw tribe of Indians removed? A I don't know sir.

Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of Dancing Rabbit Creek signify to the agent of the Government in Mississippi at that time their intention to remain in Mississippi, take land there and become citizens of the States as is provided under article fourteen of the treaty of 1830? A I don't know sir.

Q Did any of your Choctaw ancestors ever claim or receive any land in Mississippi from the Government under article fourteen of the treaty of 1830? A Not as I knew of.

In accordance with the provisions of article fourteen of

the treaty of 1830 the Government directed an agent in Mississippi to register the names of those Choctaws who might desire to remain in Mississippi, take land there and become citizens of the States. The records of the Government show that this agent failed to register and report to the Government the names of many Choctaws who really did signify to him their intention to remain in Mississippi and comply with the provisions of that article and on this account in many instances the land upon which the Indians lived and had improvements and which they desired reserved for them under article fourteen was taken by the Government and sold at Public Land Sale and the Choctaws deprived of their land. This caused many complaint and finally the matter was brought to the attention of Congress and Congress by acts passed in 1837 and 1842 created Commissions who went to Mississippi and heard claims of Choctaws under article fourteen of the treaty of 1830.

- Q Did any of your ancestors appear before the Commission of 1837 or 1842 and attempt to establish claims under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors ever receive any scrip from the Government under the act of Congress approved August 23, 1842? A No sir.
- Q This scrip was issued in lieu of the land of those who had complied with article fourteen but who had not received land thereunder and entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas. A I don't know sir.
- Q So far as you know have any of your ancestors ever been recognized members of the Choctaw tribe of Indians? A No sir.
- Q So far as you know have they ever received any benefits as such? A No sir.
- Q Have you any witnesses that you desire to call? A No sir.
- Q Any documentary evidence to present now? A Not now.
- Q Do you desire time in which---A Yes sir.

Th rty days time will be allowed this applicant in which to present proper testimony in support of this case.

- Q Any other statements you wish to make? A No sir.
- Q Your grandfather, Nelson Barker, has appeared before the Commission? A Yes sir.
- Q Do you want your case considered with his? A Yes sir.
- Q Do you speak or understand the Choctaw language? A No sir.

Reference is made to that case, Nelson Barker, M.C.R. 7141

Applicant has the appearance of being negro; shows no indications of being possessed of Choctaw blood. Has no knowledge of the compliance by his ancestors with the provisions of article fourteen of the treaty of 1830.

Henry G. Haine being sworn on his oath states that as stenographer

727----6

to the Commission to the Five Civilized Tribes he reported the above case on Apr March 21, 1903, and that this is a full, true and correct transcript of his stenographic notes in same.

*Henry G. Hains*

Subscribed and sworn to before me this 15 day of April, 1903.

*Charles H. Sawyer*

Notary Public.



M C R 7217

Muskogee, Indian Territory, April 17, 1903.

James Barker,

Muskogee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 15th instant, enclosing the affidavit of John Chalmers, offered in support of the applications made by yourself and Nelson Barker as Mississippi Choctaws. The same has been filed with the record in your case.

Respectfully,

Chairman.

Muskogee, Indian Territory, October 29, 1903.

Jim Barker,

Hickory Flat, Mississippi.

Dear Sir:

You are hereby advised that on the 29th day of October, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Nelson Barker, et al., embracing the following applications for identification as Mississippi Choctaws:

Nelson Barker,	M.C.R. 7141
Jim Barker, et al.,	M.C.R. 7217
Albert Barker,	M.C.R. 7207.

These applications were made under the provision of the Act of Congress of June 23, 1898 (30 Stat., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Nelson Barker, Jim Barker, John H. Barker and Albert Barker, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen



COPY.

J.B., -2-

days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

*T.B. Needles.*

Commissioner in Charge.

Registered.

REFER IN REPLY TO THE FOLLOWING

DEPARTMENT OF THE INTERIOR.  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Jan 6/06

Copy of testimony and decision  
furnished H L Murman  
this date <sup>att'y.</sup> Murman

No. 7217

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

MAR 21 1908

Date  
Name *Jim Barker*  
Age *30* Blood *1/16*  
Post Office, *Hickoryflat, Miss*  
Father: *Henry Barker* *La*  
Mother: *Alice* *"* *La*

Claims through *father*  
Wife: *Lula Barker, "do."* *L*  
(*No claim for her,*)

Children:

*John H. Barker,* *8.*

(*Claims for self & one*  
*child*)

Stenographer *A. J. Harris*

A MISSISSIPPI CHOCTAW

Jim Barker, et al

RECORD FORWARDED DEPARTMENT.

NOV 11 1903

ACTION APPROVED BY  
SECRETARY OF INTERIOR

RECEIVED DEPARTMENT

NOV 11 1903

RECEIVED DEPARTMENT

NOV 11 1903

RECEIVED DEPARTMENT

Choctaw MCR 7218

John T. Johnson

MCR 7218

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of John T. Johnson for  
identification as a Mississippi Choctaw, M.C.R. 7218.

I N D E X .

---

List of papers forwarded to the Secretary  
of the Interior comprising the record in the above case  
(Page)

Original application of John T. Johnson before the  
Dawes Commission for identification as a Mississippi  
Choctaw,

1

Decision of the Commission refusing the application of  
John T. Johnson for identification as a Mississippi  
Choctaw,

3

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. March 21, 1903.

7218

In the matter of the application of John T. Johnson for  
identification as a Mississippi Choctaw.

John T. Johnson being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A John T. Johnson.  
Q What is your age? A Twenty seven.  
Q What is your post office address? A Hickory Flat, Mississippi.  
Q How long have you lived in Hickory Flat? A All my life.  
Q Born there and always lived there? A Yes sir.  
Q What is your father's name? A Walker Johnson.  
Q Is he living? A No sir; dead.  
Q What is your mother's name? A Jemima; she married Hopson.  
Q After your father's death? A No sir, my father and mother were  
never married.  
Q Is your mother living? A Yes sir.  
Q Through which parent do you claim your Choctaw blood? A My Dad.  
Q You say your father and mother were never married? A No sir.  
Q Never lived together as husband and wife? A Not as I know of.  
Q How much Choctaw blood do you claim? A A sixteenth.  
Q Has your father through whom you claim your right to identification  
as a Mississippi Choctaw ever been recognized or enrolled  
as a member of the Choctaw tribe of Indians by the Choctaw tribal  
authorities or the authorities of the United States? A Not as I  
knows of.  
Q How much Choctaw blood did your father have? A About one fourth  
I reckon, his mother was three quarters.  
Q If his mother was three quarters he would be three eighths,  
wouldn't he? A Yes sir, I guess.  
Q And you would be three sixteenths Choctaw blood instead of one  
sixteenth? A Yes sir.  
Q Then you claim 3/16 Choctaw blood, do you? A Yes sir.  
Q What was your father's other blood besides Choctaw? A Negro.  
Q What is your mother's blood? A She is a full blood negro.  
Q Through which one of his parents does your father claim his  
Choctaw blood? A Through his mother.  
Q What was his mother's name? A Tables, I believe.  
Q How much Choctaw blood did she have? A His mother was 3/4  
Q Through which one of her parents did she claim her Choctaw  
blood? A Through her daddy.  
Q What was her daddy's name? A I can't call his name; Tracy I  
believe.

7218

Q How much Chectaw blood did he have? A My Dad said he was full-blood.

Q What was the name of Table's mother? A I don't know sir.

Q Did she have any Chectaw blood? A No sir, I don't think.

Q Then Tables-- of your father's grandmother was a slave? A Yes sir.

Q She was a negro, was she? A Yes sir.

Q Your mother was a slave? A Yes sir.

Q All of your ancestors so far as you know were slaves, were they?

A Yes sir.

This applicant has the appearance of being a full blood negro; shows no indication of being possessed of Chectaw blood.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case on March 31, 1903, and that this is a full, true and correct transcript of his stenographic notes in same.

*Henry G. Hains*

Subscribed and sworn to before me this 8 day of April, 1903.

*Charles H. Sawyer*

Notary Public.



COPY.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of John T. Johnson for identification as a Mississippi Choctaw, M.C.R. 7218.

--- D E C I S I O N ---

It appears from the record herein that application for identification as a Mississippi Choctaw was made to this Commission by John T. Johnson for himself under the following provision of the act of Congress approved June 28, 1898 (30 stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that said applicant claims rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being a descendant of Walker Johnson, who is alleged to have been a three eighths blood Choctaw Indian.

It appears from the evidence submitted by the applicant that he claims from more remote Choctaw ancestors than the one above given in the persons of his grandmother and great grandmother, but as he is only able to give the surnames of these ancestors it is therefore impossible for the Commission to determine whether or not these ancestors were beneficiaries under the provisions of article

fourteen of the treaty of "Dancing Rabbit Creek".

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that said applicant has never been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder that the said Walker Johnson signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John T. Johnson as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of

eighteen hundred and thirty, and that the application for his identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

*Tamr Birba*

Chairman.

(SIGNED)

*T. B. Needles.*

Commissioner.

(SIGNED)

*C. R. Breckinridge.*

Commissioner.

(SIGNED)

*W. E. Stanley.*

COMMISSIONER.

Muskegee, Indian Territory

AUG 8 1903

COMMISSIONERS:  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE,  
W. E. STANLEY.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M C R 7218

ADDRESS ONLY TO  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, August 8, 1903.

John T. Johnson,  
Hickoryflat, Mississippi.

Dear Sir:

You are hereby advised that on the 8th day of August 1903 the Commission to the Five Civilized Tribes rendered a decision in the case of John T. Johnson an applicant for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

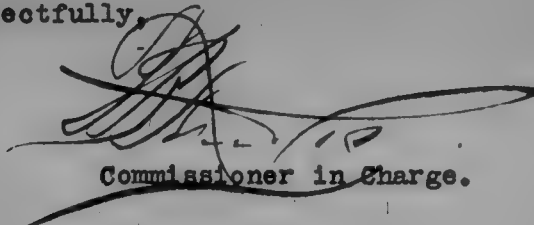
"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John T. Johnson as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for his identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office and that at the expiration of said time the papers in the case

J T J 2

together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

A handwritten signature in dark ink, appearing to be "J. T. J.", written over a horizontal line.

Commissioner in Charge.

Registered.



COPY.

Muskogee, Indian Territory, August 8, 1903.

Mansfield, McMurray & Cornish,  
Attorneys for the Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 8th day of August 1903 the Commission to the Five Civilized Tribes rendered a decision in the case of John T. Johnson an applicant for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495):

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John T. Johnson as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for his identification as such should be refused, and it is so ordered."

You are further advised that the applicant in this case has been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*T. B. Needles.*

Commissioner in Charge.

COPY.

Muskogee, Indian Territory, August 24, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of John T. Johnson, an applicant to the Commission for identification as a Mississippi Choctaw, including the decision of the Commission of August 8, 1903.

The Commission has the honor to report that the applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED)

Through the  
Commissioner of Indian Affairs.  
2 Enc, M O R 7212.

*T. B. Needles.*

COMMISSIONER in charge

(COPY)

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

-:W A S H I N G T O N:-

Oct. 30, 1903.

Land.  
55,279-1903.

The Honorable,

The Secretary of the Interior:

Sir:-

I have the honor to submit, for your consideration, the record of the Commission to the Five Civilized Tribes in the matter of the application of John T. Johnson, for identification as a Mississippi Choctaw, wherein a decision rejecting him was entered by the commission on August 8, 1903.

The record in this case shows that the applicant traces his ancestry to one Tracy, first name unknown, great grandfather, Tables, grandmother first name unknown, and Walker Johnson, all of whom were slaves in the Choctaw Nation, in Mississippi, during or subsequent to the year 1830. There was no examination by the Commission as to <sup>the</sup> compliance or attempt at compliance on the part of any of these ancestors with the provisions of the 14th article of the Choctaw Treaty.

The Commission rejected the applicant for the reason that the name of Walker Johnson does not appear upon its records as one of these Choctaw Indians who were beneficiaries under the provisions of the 14th article of the Choctaw treaty or subse-



quent legislation relative thereto.

An examination of the recordd of this office has been made with reference to the name of .....Tracy, ..... Tables and Walker Johnson, and it is ascertained that they do not appear in the list of those persons who were beneficiaries under the provisions of the 14th article of the Choctaw treaty. Aside from this no slaves were considered to be such citizens of the Choctaw Nation in 1830 as would entitle them to participation in the distribution of its lands even though they may have had Choctaw blood

I am therefore of the opinion that the decision of the commission rejecting the applicant was correct, and that it should be approved.

Very respectfully,

W.A. Jones,  
Commissioner.

(E.B.H.)P.

(COPY).

DEPARTMENT OF THE INTERIOR,

W.C.F.  
C.M.R.

-:W A S H I N G T O N:- December 8, 1903.

D.C. 34119  
I.T.D. 7798-1903.  
L.R.S.

The Commission

to the Five Civilized Tribes.

Gentlemen:-

With your letter of August 24, 1903, you transmitted the record in the Mississippi Choctaw case of John T. Johnson.

The applicant bases his claim to the right to identification as a Mississippi Choctaw on his descent from one Tracy, first name unknown, through his daughter Tables, first name unknown, through her son Walker Johnson, father of the applicant. It is alleged that said ancestors were slaves and resided in Mississippi during, or subsequent to, the year 1830.

It appears that no examination was made as to the compliance, or attempted compliance, on the part of any of these ancestors with the provisions of the fourteenth article of the Choctaw treaty of 1830.

Reporting October 30, 1903, the Commissioner of Indian Affairs recommends that your decision, dated August 8, 1903, rejecting the applicant, be approved, and states that the records of his office show that the names of the applicants

ancestors do not appear on the list of those persons who were beneficiaries under the provisions of the 14th article of the Choctaw treaty.

While the Department is not prepared to say that the fact that the ancestors of the applicant were slaves is sufficient within itself to prevent their compliance with the provisions of said article, yet the Department believes that fact, coupled with the fact that the records of the Indian Office fail to show that any one of the same name as the applicant's ancestors complied with said article, is sufficient to justify your decision rejecting the applicant, and the same is hereby affirmed.

A copy of the Commissioner's report is inclosed.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

COMMISSIONERS  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE,  
W. E. STANLEY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

705 CB.  
REFER IN REPLY TO THE FOLLOWING

M.C.R. 7218.

ALLISON L. AYLESWORTH,  
SECRETARY.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 8, 1903.

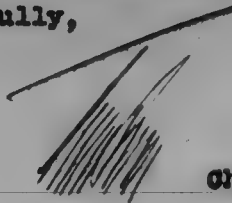
John T. Johnson,

Hickoryflat, Mississippi.

Dear Sir:

~~You are hereby notified that on the 8th day of Decem-~~  
ber, 1903, the Secretary of the Interior affirmed the decision  
of this Commission refusing your application for identification  
as a Mississippi Choctaw of which decision you were advised by  
registered mail on the 8th day of August, 1903.

Respectfully,



Chairman.

M.C.R. 7218.

COPY.

Muskogee, Indian Territory, December 17, 1903.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 8th day of December, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application of John T. Johnson for identification as a Mississippi Choctaw of which decision you were advised by mail on the 8th day of August, 1903.

Respectfully,

(SIGNED)

*Tams Bixby.*  
Chairman.



No. 7218

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 21 1903

Name John. T. Johnson

Age 27. Blood A/16

Post Office, Hickory Leaf, Miss.

Father: Walker Johnson, <sup>Chas</sup> D.

Mother: Jimima Hobson, <sup>24</sup> L.

Claims through father.

Children:

Photographer: J. H. Blain

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES

**FILED**

OCT 6 1903



CHAIRMAN

*Open through mistake  
John. E. Johnson*

Department of the Interior.

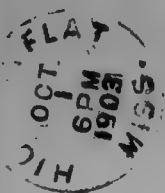
Commission to the Five Civilized Tribes,  
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



1903



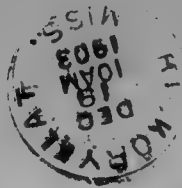
RIGHT TO USE

John T. Johnson,  
Hickoryflat, Mississippi.

UNCLAIMED

11870





DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**

MAR 3 1904

CHAIRMAN

A MISSISSIPPI OF THE AW.

John T. Johnson

RECEIVED

ACTION OF THE BOARD OF INTERIOR

NOTICE OF THE BOARD OF INTERIOR

THE BOARD OF INTERIOR

ON OCTOBER

1863

Choctaw MCR 7219

William R. Byars

MCR 7219

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskegee, I.T. March 21, 1903.

7219

In the matter of the application of William R. Byars for the identification of himself and his eight minor children, Roy D., Ora M., Ivy L., Jewell, Junior, Morgan P., Lester R. and William W. Byars, as Mississippi Choctaws.

William R. Byars being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A William R. Byars.  
Q What- how old are you? A Forty four.  
Q What is your post office address? A Pittsboro, Mississippi.  
Q How long have you lived there? A Born and raised there.  
Q Lived there all your life? A Yes sir.  
Q What is your father's name? A Butterfield Byars.  
Q Is he living? A Yes sir.  
Q What is your mother's name? A Elisa M. Byars.  
Q Is she living? A Yes sir.  
Q Through which parent do you derive your Choctaw blood? A Mother.  
Q How much Choctaw blood do you claim? A An eighth I think.  
Q Has your mother through whom you claim the right to identification, ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States? A Not that I know of.  
Q Through which one of her parents did your mother derive her Choctaw blood? A Her mother.  
Q What was her name? A Sallie McGuire.  
Q What was her husband's name? A Ames McGuire.  
Q Was he a white man? A Yes sir.  
Q Claimed no Choctaw blood? A No.  
Q Through which one of her parents did she claim? A Her mother.  
Q What was her name? A Tabitha Watson; that was her maiden name.  
Q What was her husband's name? A Asa Langsten.  
Q White man? A Yes sir.  
Q Claimed no Choctaw blood? A No.  
Q Through which one of her parents did Tabitha Watson claim her Choctaw blood? A Her father.  
Q What was his name? A I am not right sure; I think it was Isaac.  
Q What was her mother's name? A I don't know.  
Q How old would your mother be if living? A She was born in '40; she would be sixty three.  
Q Had she any elderbrothers or sisters? A Yes sir.  
Q How much older than her was the eldest? A I don't know.  
Q Well, about how much older? A I don't know; she was the youngest child of the family.  
Q How many elder brothers and sisters did she have? A I have heard it said that there were ten or twelve.  
Q Then Ames McGuire and Sallie McGuire were married prior to 1830?  
A Yes sir.

- Q Are you married? A Yes sir.  
 Q What is your wife's name? A Martha A.  
 Q Is she a white woman? A Yes sir.  
 Q She claims no Choctaw blood? A No.  
 Q Is she living? A Yes sir.  
 Q You make no claim for her? A No.  
 Q Have you any minor children for whom you wish to apply? A Yes sir.  
 Q What are their names and ages? A Roy D., 18; Ora E., 16; Ivy L., 10; Jewell, 8; Junior, 8; Morgan P., 6; Lester R., 4; William W., 2.  
 Q This application then is for yourself and eight minor children? A Yes sir.  
 Q Are you the father of these children? A Yes sir.  
 Q Is Martha A. the mother? A Yes sir.  
 Q These children claim their Choctaw blood through you? A Yes sir.  
 Q When were you married to Martha A. Byars? A In 1884.  
 Q Have you any evidence of your marriage with you? A No sir.

It will be necessary that you furnish the Commission with proper evidence of your marriage to Martha Byars in support of the claim which you now make for the identification of your minor children.

- Q Is your name or are the names of any of these minor children to be found upon any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.  
 Q Did you or did anyone for you or your children ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as members of that tribe of Indians? A No sir.  
 Q Did you or did anyone for you or for your minor children make application to this Commission for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No sir.  
 Q Is this the first application of any description for citizenship or enrollment in the Choctaw Nation ever made by you or in your behalf or in behalf of your minor children? A Yes sir.  
 Q You appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands, Indian Territory, for yourself and for your minor children under the provisions of article fourteen of the treaty of 1830? A Yes sir.  
 Q Do you understand that article? A Yes sir.

It reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to each child which is living with him under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Is that the provision of law under which you are claiming the right to identification as Mississippi Choctaws? A I suppose so.
- Q You understand that article, do you not? A Yes sir.
- Q What is the name of your ancestor through whom you claim the right to such identification? A Tabitha Watson or Isaac Watson.
- Q Tabitha was your great grandmother? A Yes sir.
- Q And Isaac Watson was your great great grandfather.
- Q You had a less remote ancestor in the person of Sallie McGuire? Didn't you? A Yes sir.
- Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A I don't know.
- Q Were any of your Choctaw ancestors living in the old Choctaw Nation in Mississippi or Alabama in 1830 when this treaty was ratified? A I don't know.
- Q Were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians at that time? A I don't know.
- Q Did any of your Choctaw ancestors own an improvement in what constituted the old Choctaw Nation in Mississippi at that time? A I don't know.
- Q Did any of your Choctaw ancestors remove from that old Choctaw Nation East of the Mississippi River to the Choctaw Nation, Indian Territory, at the time of the removal of the greater portion of the Choctaw Indians between the years 1833 and 1838? A I don't know.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 signify to the Agent in Mississippi at that time an intention to remain in the old Choctaw Nation, take land there and become citizens of the States? As is provided in article fourteen of that treaty? A I don't know whether they did or not.
- Q Did any of your Choctaw ancestors ever receive or claim any land from the Government under the provisions of article fourteen of the treaty of 1830? A Not that I know of.

In accordance with the provisions of article fourteen of the treaty of 1830 the government directed an Agent in Mississippi at that time to register the names of those Choctaws who might desire to remain in Mississippi and comply with the provisions of that article. The records of the Government show that this agent failed to register and report to the government the names of a great many Choctaws who really did signify to him their intention to remain in the old Choctaw Nation, to take land there and become citizens of the States. On this account in many instances the lands on which these Indians lived and had improvements and which they desired to have reserved for them were sold by the Government at its public land sales and the Indians deprived of their land. This caused much complaint among the Choctaws and the matter was finally brought to the attention of Congress, and Congress by acts passed in March 3, 1837, and August 23, 1842, appointed Commissions whose duty it was to go to Mississippi and investigate these claims.

- Q Do you know whether any of your Choctaw ancestors appeared before either of these Commissions appointed in 1837 or 1842 and attempted to establish their rights under the provisions of article fourteen of the treaty of 1830? A I don't know; there's been talk of that.
- Q You have no knowledge of that? A No.

Q What have you heard about it? A I have heard it rumored that some of them tried to but was beat out of it in some way.

Q Do you know what ancestors applied? A I think it was this lady's father-- John McGuire.

Q John McGuire was your uncle? A Yes sir.

Q Do you know how he endeavored to comply with the provisions of that article? A Now, I will tell you what I know; before the War her father run for office; it was the Chickasaw country, the old people told me about that; the race they run the Indian blood on him and beat him; that's the way I become in possession of this talk-----the way they beat my father for assessor because he had Indian blood in him.

Q You don't know of any attempt that your ancestors made to take land from the Government under the provisions of article fourteen of the treaty of 1830? A No sir.

In accordance with the provisions of the act of Congress of August 23, 1842, if it should be finally determined that a Choctaw had complied with article fourteen of the treaty of 1830, he should be entitled to select land, in case his had been sold by the Government, in either the States of Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant Government land, and that a certificate to that effect should be given to him; these certificates were called scrip.

Q Did any of your Choctaw ancestors ever receive any such scrip from the Government under the provisions of that act of Congress? A No sir.

Q So far as you knew were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians? A No sir.

Q So far as you know did they ever receive any benefits as such? A No.

Q Have you any documentary evidence you want to present? A I brought the marriage certificate of my mother and father.

Applicant presents and offers in evidence certified copy of the marriage certificate between W.C.B. Byars and Eliza Minerva McGuire, which is received, marked Exhibit "A" and made a part of the record.

Q The W.C.B. Byars named in this certificate is the Butterfield named in this case? A Yes sir.

Q Do you desire time in which to introduce further testimony? A Yes sir.

Thirty days time from the date of this application will be allowed for the introduction of additional testimony in support of your claim.

Q Several of your relatives have appeared before the Commission to make application, have they not? A Yes sir.

Reference is made to the case of Julia Stevens, M.C.R. 1.



Q Do you speak the Choctaw language? A No.

Q Have you any further statements you wish to make? A I believe not.

Applicant has the appearance of being a white person; dark complexion, dark brown eyes, hair formerly black, now gray- has high cheek bones; looks like she might possess some Choctaw Indian blood; has no knowledge of any compliance on the part of her ancestors with the provisions of article fourteen of the treaty of 1830.

R. B. Eisenberg being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 20th 21st day of March, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in same.

*R. B. Eisenberg*

Subscribed and sworn to before me this 13 day of <sup>July</sup> ~~June~~ 1903.

*Charles H. Sawyer*

Notary Public.



M C R 7219

Muskogee, Indian Territory, April 20, 1903.

W. R. Byars,  
Pittsboro, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 14th instant, enclosing certified copy of marriage record between W. R. Byars and Miss M. A. Morgan, offered in support of the application made by you for the identification of yourself and minor children as Mississippi Choctaws. The same has been filed with the record in your case.

Respectfully,

Chairman.

M C R 7219

Waskagee, Indian Territory, April 23, 1903.

J. G. Ralls,

Attorney at Law,

Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 18th instant, enclosing certified copy of marriage license and certificate between W. R. Byars and Miss M. A. Morgan, offered in support of the application made by William R. Byars for the identification of himself and minor children as Mississippi Choctaws. The same has been filed with the record in this case.

Respectfully,

Chairman.

M.C.R. 7219.

Muskogee, Indian Territory, October 31, 1903.

William R. Byars,

Pittsboro, Mississippi,

Dear sir:

You are hereby advised that on the 31st day of October, 1903, the Commission to the Five Civilized Tribes, rendered a decision in the consolidated case of Sophia Aven, et al., embracing the following applications for identification as Mississippi Choctaws:

Sophia Aven, et al.,	M.C.R. 7051
Annie Webb, et al.,	M.C.R. 7052
Bettie Helliis, et al.,	M.C.R. 7220
William R. Byars, et al.,	M.C.R. 7219
J. R. Byars,	M.C.R. 7203
Mabel Mitchell, et al.,	M.C.R. 7221.

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Sophia Aven, Thomas Algin Aven, Annie Belle Aven, Mary Lou Aven, John Henry Aven, Annie Webb, Laban Webb, Sadie Webb, Lavelle Webb, Bettie Hollis, Hubert L. Hollis, Leonard G. Hollis, Ethel Hollis, Maud Hollis, Mable Hollis, William R. Byars, Roy D. Byars, Ora E. Byars, Ivy L. Byars, Jewell Byars, Junior Byars, Morgan P. Byars, Lester R. Byars, William W. Byars, J. R. Byars, Mabel Mitchell, Nancy R. Mitchell, Myrtle V. Mitchell, Jessie L. Mitchell and Robert T. Mitchell, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(S. NED)

*Tams Bixby.*  
Chairman.

Registered.

COPY

Muskogee, Indian Territory, April 30, 1904.

William R. Byars,

Pittsboro, Mississippi.

Dear Sir:

You are hereby notified that on the 21st day of April, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Sophia Aven, et al., of which decision you were advised by registered mail on the 31st day of October, 1903.

Respectfully,

(SIGNED)

*James Birney*  
Chairman.

17

No. 7219

## FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 21 1903

Name William R Byars.

Age 44 Blood 1/8.

Post Office, Pittsburg, Miss

Father: Butterfield Byars. L.

Mother: Eliza M " D

Claims through mother

Wife Martha A. Byars w. L.

(No claim for her)

## Children:

Roy. D.	18
Ora E.	16
Ivy L.	10
Jewell (F)	8
Junior (F)	8
Morgan P.	6
Lester R.	4
William W.	2

(Claims for self + 8 children)

R. B. Eisenberg

William R. Byars,

RECEIVED

U. S. DEPARTMENT OF AGRICULTURE

NOV 16 1903

ACTION APPROVED

APR 21 1904

U. S. DEPARTMENT OF AGRICULTURE  
ACTION APPROVED

APR 20 1904

U. S. DEPARTMENT OF AGRICULTURE  
ACTION APPROVED

REFER TO M. C. R. 7051

Choctaw MCR 7220

Bettie Hollis

MCR 7220



Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskeges, I.T. March 21, 1903.

7220

In the matter of the application of Bettie Hollis for the identification of herself and her five minor children, Hubert L., Leonard G., Ethel, Maud and Mable Hollis, as Mississippi Cheetaw.

Bettie Hollis being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Bettie Hollis.  
Q How old are you? A Forty four.  
Q What is your post office address? A Deina, Mississippi.  
Q How long have you lived in Mississippi? A All my life.  
Q What is your father's name? A John McGuire.  
Q Is he living? A No sir.  
Q What is your mother's name? A Elisabeth McGuire.  
Q Is she living? A No sir.  
Q Through which parent do you claim Cheetaw blood? A My father.  
Q How much Cheetaw blood do you claim? A An eighth I believe.  
Q Has your father through whom you claim your right to identification ever been recognized in any manner or enrolled as a member of the Cheetaw tribe of Indians by the Cheetaw tribal authorities or the authorities of the United States? A I don't know sir.  
Q Through which parent did your father claim his Cheetaw blood?  
A His mother.  
Q What was her name? A Sally Langston.  
Q What was Sally Langston's husband's name? A Amos McGuire.  
Q Was he a white man? A Yes sir.  
Q Claimed no Cheetaw blood? A No.  
Q Through which parent did Sally Langston claim her Cheetaw blood?  
A Her mother.  
Q What was her name? A Tabitha Watson.  
Q What was her husband's name? A Asa Langston.  
Q Now Asa Langston was a white man? A Yes sir.  
Q Claimed no Cheetaw blood? A No.  
Q Through which parent did Tabitha Watson claim her Cheetaw blood?  
A I don't know.  
Q When were your father and mother married? A I don't know.  
Q How old would your father be if living now? A About 75 I think.  
Q Then Amos McGuire and Sally Langston were married before 1830?  
A Yes sir.  
Q Are you married? A Yes sir.  
Q What is your husband's name? A T.L. Hollis.  
Q Is he a white man? A Yes sir.  
Q Claimed no Cheetaw blood? A No.  
Q Is he living? A Yes sir.  
Q You make no claim for him? A No.  
Q Have you any minor children for whom you wish to apply? A Yes sir.  
Q What are their names? A Hubert L., 19; Leonard G., 17; Ethel, 14; Maud, 10; Mable, 5.

Q This application is for yourself and five minor children? A Yes sir.

Q Are you the mother of these children? A Yes sir.

Q T.L.Hellis the father? A Yes sir.

Q These children claim their Choctaw blood through you? A Yes sir.

Q Have you any evidence of your father's and mother marriage with you at this time? A No.

It will be necessary that you furnish the Commission with evidence of that marriage in support of your application.

Q Is your name or the names of any of these minor children to be found on the Choctaw tribal rolls? A I don't know.

Q Did you ever make application to the Choctaw tribal authorities or has any such application ever been made for any of these minor children to be enrolled as members of that tribe of Indians? A No sir.

Q Did you or did anyone for you or your minor children make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No sir.

Q Is this the first application of any description for citizenship or enrollment in the Choctaw Nation that has ever been made by you or in your behalf or in behalf of these minor children? A Yes sir.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands Indian Territory under the provisions of article fourteen of the treaty of 1830? A Yes sir.

Article fourteen reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Is that the provision of law under which you are claiming your right to identification as Mississippi Choctaws? A Yes sir.

Q What is the name of your Choctaw ancestor through whom you claim such right? A Tabitha Watson.

Q You had a less remote ancestor who was living and the head of a family in 1830 in the person of Sally McGuire? A Yes sir.

Q Did any of your Choctaw ancestors comply or attempt to comply

with the provisions of article fourteen of the treaty of 1830?

A No sir.

Q Were any of your Choctaw ancestors living in the State of Mississippi or Alabama in 1830 when this treaty was made? A Yes sir.

Q Were any of them recognized members of the Choctaw tribe of Indians then? A Yes sir.

Q Were they recognized by the tribe or the United States Government? A I don't know sir.

Q You simply mean that they were recognized by their neighbors and acquaintances as having Choctaw blood? A Yes sir.

Q Did any of your Choctaw ancestors own an improvement in what constituted the old Choctaw Nation in 1830? A I don't know.

Q Did any of your Choctaw ancestors remove from the old Choctaw Nation East of the Mississippi River to the Choctaw Nation, Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians between 1833 and 1837? A I don't know.

Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 signify to the Agent in Mississippi at that time an intention to remain in Mississippi, take land there and become citizens of the States? A I don't know sir.

In accordance with the provisions of article fourteen of the treaty of 1830 the Government directed an Agent in Mississippi at that time to register the names of those Choctaws who might desire to remain in Mississippi and comply with the provisions of that article. The records of the Government show that this agent failed to report and register the names of a great many Choctaws who really did signify to him their intention to remain in the old Choctaw Nation, to take land there and to become citizens of the States. On this account in many instances the lands on which these Indians lived and had improvements and which they desired reserved for them were sold by the Government at its public Land Sales and the Indians deprived of their land. This caused much complaint among the Choctaws and the matter was finally brought to the attention of Congress and Congress by acts passed in March 3, 1837, and August 23, 1842, appointed Commissions whose duty it was to go to Mississippi and investigate these claims.

Q Did any of your Choctaw ancestors appear before either of these Commissions appointed in 1837 and 1842 and endeavor to establish their rights under the provisions of article fourteen of the treaty of 1830? A I don't know sir.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with article 14 of the treaty of 1830, he should be entitled to select land, in case his land had been sold by the Government, in either the States of Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant Government land, and that a certificate to that effect should be given him. These certificates were called scrip.

Q Did any of your Choctaw ancestors ever receive any such scrip from the Government under that act of Congress? A I don't know.

Q So far as you knew were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians? A I don't know.

Q Did any of them ever receive benefits from the Government as such? A I don't know.

Q Have you any witnesses you desire to introduce? A No.

Q Have you any documentary evidence to present? A No sir.

Q Do you desire time in which to introduce further evidence?

A Yes sir.

Thirty days time will be allowed for that purpose.

Q Do you speak the Chectaw language? A No sir.

Q Are there any further statements you wish to make? A I believe not.

Q What relation is William R. Byars to you? A Cousin.

Q And Julia Stevens? A She is a cousin.

Reference is made to the case of Julia Stevens, M.C.R. 1, for the purpose of consolidation.

Applicant has the appearance of being a white woman; dark complexioned, blue eyes, black hair; has no knowledge of the compliance on the part of her ancestors with the provisions of article 14 of the treaty of 1830.

R.B. Eisenberg being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on March 21, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in same.

*R. B. Eisenberg*

Subscribed and sworn to before me this 13 day of July, 1903.

*Charles H. Sawyer*  
Notary Public.

M.C.R. 7220.

COPY.

Muskegee, Indian Territory, October 31, 1903.

Bettie Hollis,

Derma, Mississippi,

Dear Madam:

You are hereby advised that on the 31st day of October, 1903, the Commission to the Five Civilized Tribes, rendered a decision in the consolidated case of Sophia Aven, et al., embracing the following applications for identification as Mississippi Cheetaws:

Sophia Aven, et al.,	M.C.R. 7081
Annie Webb, et al.,	M.C.R. 7082
Bettie Hollis, et al.,	M.C.R. 7220
William E. Byars, et al.,	M.C.R. 7219
J. E. Byars,	M.C.R. 7208
Mabel Mitchell, et al.,	M.C.R. 7221

These applications were made under the provision of the act of Congress of June 22, 1902 (30 Stat., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Cheetaw Indians claiming rights in the Cheetaw lands under article fourteen of the treaty between the United States and the Cheetaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Sophia Aven, Thomas Algin Aven, Annie Belle Aven, Mary Lou Aven, John Henry Aven, Annie Webb, Laban Webb, Sadie Webb, Lavelle Webb, Bettie Hollis, Hubert L. Hollis, Leonard G. Hollis, Ethel Hollis, Maud Hollis, Vable Hollis, William R. Byars, Roy D. Byars, Ora E. Byars, Ivy L. Byars, Jewell Byars, Junior Byars, Morgan P. Byars, Lester R. Byars, William W. Byars, J. R. Byars, Mabel Mitchell, Nancy R. Mitchell, Myrtle V. Mitchell, Jessie L. Mitchell and Robert T. Mitchell, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*Tams Bixby.*  
Chairman.

Registered.



Muskogee, Indian Territory, April 30, 1904.

Bettie Hollis,

Derma, Mississippi.

Dear Madam:

You are hereby notified that on the 21st day of April, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Sophia Aven, et al., of which decision you were advised by registered mail on the 31st day of October, 1903.

Respectfully,

(SIGNED)

*Lama Birney.*

Chairman.

18

No. 7220

## FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 21 1903

Name *Bettie Hollis*Age *44* Blood *1/8*Post Office, *Derma, Miss*Father: *John McGuire* D.Mother: *Elizabeth McGuire* D.Claims through *father.*Husband: *T. L. Hollis w. L.*  
(No claim for him)

Children:

*Hubert L. Hollis* 19.*Leonard G. "* 17.*Estel* " 14.*Maud* " 10.*Mable* " 5

(Claims for self &amp; 5 children)

Stenographer

*R. B. Eisenberg*



FOR IDENTIFICATION  
A MISSISSIPPI CHOCTAW

Bettie Hallis, et

DEPARTMENT

NOV 10 1900

NOTICE OF DEPARTMENT

APR 20 1901

DEPT. OF THE INTERIOR

U. S. DEPARTMENTAL

REFER TO M. C. R.

7051

Choctaw MCR 7221

Mabel Mitchell

MCR 7221

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskegee, I.T. March 21, 1903.

7221

In the matter of the application of Elias S. Mitchell for the identification of his five minor children, Mabel, Nancy R., Myrtle V., Jessie L. and Robert T. Mitchell, as Mississippi Choctaws.

Examination by the Commission:

Elias S. Mitchell being duly sworn testified as follows:

- Q What is your name? A Elias S. Mitchell.  
Q How old are you? A Fifty three.  
Q What is your post office address? A Pittsboro, Mississippi.  
Q What is your object in appearing before the Commission at this time? A To obtain the rights I think my children have.  
Q You desire to make application for your children? A Yes sir.  
Q How many have you? A Five.  
Q Is the mother dead? A Yes sir.  
Q What are the names and ages of these children? A Mabel, 20; Nancy R., 19; Myrtle V., 17; Jessie L., 15; and Robert T., 11.  
Q What was the name of the mother of these children? A Georgia A.  
Q You are the father? A Yes sir.  
Q These children claim through your deceased wife? A Yes sir.  
Q How much Choctaw blood did she have? A About one eighth.  
Q Then you claim one sixteenth for these children? A Yes sir.  
Q Was Georgia Mitchell the mother of these children through whom you make claim for them ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States? A No sir.  
Q Through which one of her parents did Georgia Mitchell derive her Choctaw blood? A Her mother, Sarah Lee; she married a Lee.  
Q What was her husband's name? A G.M. Lee.  
Q Through which one of her parents did Sarah Lee claim her Choctaw blood? A Her mother.  
Q What was her name? A Sally McGuire.  
Q How old would your wife be if living now? A About 45 I believe.  
Q And she claimed her Choctaw blood through her mother, Sarah Lee? A Yes sir.  
Q Is Sarah Lee living? A No.  
Q How old would she be if living? A I expect about 70.  
Q And Sarah Lee claimed her Choctaw blood through her mother, Sally Langston who married Amos McGuire? A Yes sir.  
Q Through whom did Sally Langston claim her Choctaw blood? A Her mother, Tabitha Watson.  
Q Through which one of her parents did Tabitha Watson claim her Choctaw blood? A Through her father.  
Q What was his name? A I could not tell you.  
Q You are not able to trace your ancestry any further back than Tabitha Watson? A No.

Q And Tabitha Watson is the great great grandmother of these children? A Yes sir.

Q Is the name of any of your minor children to be found on any of the G tribal rolls of the Choctaw Nation in the Indian Territory?

A No sir.

Q Did anyone ever make application to the Choctaw tribal authorities for the enrollment of these children as members of that tribe?

A No sir.

Q The post office address of these children is the same as yours, isn't it? A Yes sir, Pittsboro, Mississippi.

Q Did anyone make application to the Commission to the Five Civilized Tribes for citizenship under the act of Congress of June 10, 1896, for these children? A No sir.

Q This is the first application of any description that has ever been made to any authority for the enrollment of these children as members of the Choctaw tribe of Indians? A Yes sir.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the provisions of article fourteen of the treaty of 1830? A Yes sir.

Q You understand that article? A Yes sir.

It reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Is that the provision of law under which you claim the right to identification for your five minor children as Mississippi Choctaws? A Yes sir.

Q What is the name of the Choctaw ancestor of these minor children through whom you claim such right? A Tabitha Watson.

Q They have a less remote ancestor who was living in the old Choctaw Nation in 1830 in the person of Sally Langston who married James McGuire? A Yes sir.

Q Did any of the Choctaw ancestors of these minor children ever comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A Not that I know of.

Q Were any of the Choctaw ancestors of these children living in Mississippi in 1830 when this treaty was ratified? A I suppose so.

Q Where were they living? A In Choctaw County.

Q Were any of the Choctaw ancestors of these children recognized members of the Choctaw tribe of Indians at that time? A Not to my knowledge.

Q Did any of the Choctaw ancestors of these children own an improvement in what constituted the old Choctaw Nation in 1830?

A Not that I know of.

Q Did any of your childrens' Choctaw ancestors remove from that old Choctaw Nation East of the Mississippi River to the Choctaw Nation, Indian Territory, between 1833 to 1838? A Not to my knowledge.

Q Did any Choctaw ancestors of these children within six months from the ratification of the treaty of 1830 signify to the Agent in Mississippi at that time an intention to remain in the old Choctaw Nation, take land there and become citizens of the State?

A Not that I knew of.

Q Did any of the Choctaw ancestors of these children ever claim or receive any land in Mississippi from the Government of the United States under the provisions of article fourteen of the treaty of 1830? A Not that I know of.

In accordance with the provisions of article fourteen of the treaty of 1830 the Government directed an agent in Mississippi to register the names of these Choctaws who might desire to remain in Mississippi and comply with the provisions of that article. The records of the Government show that a great many did so but that the agent failed to register and report their names. On this account in many instances the lands on which these Indians lived and had improvements and which they desired reserved for them under article fourteen were sold by the Government at its public land sales and the Indians deprived of their lands. This caused much complaint among the Choctaws and the matter was finally brought to the attention of Congress and Congress by acts passed in 1837 and 1842 appointed Commissions whose duty it was to go to Mississippi and investigate these claims.

Q Did any of your childrens' Choctaw ancestors appear before either of these Commissions and endeavor to establish their rights under article fourteen of the treaty of 1830? A Not to my knowledge.

In accordance with the provisions of the act of Congress approved August 25, 1842, if it should be finally determined that a Choctaw had complied with article fourteen of the treaty of 1830 he should be entitled to select land, in case his land had been sold by the Government, in either of the States of Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant Government land, and that a certificate to that effect should be given to him. These certificates were called scrip.

Q Did any of the Choctaw ancestors of these children receive any such scrip from the Government under that act of Congress? A Not that I know of.

Q So far as you knew were any of the Choctaw ancestors of these children recognized members of the Choctaw tribe of Indiana? A No sir.

Q So far as you knew did they ever receive any benefits as such? A No sir.

Q Have you any witnesses to introduce? A No.

Q Have you any documentary evidence? Is present? A No.

Q What relation is Betty Hollis to these children? A Second cousin.

Q And William R. Byars? A Second cousin.

Q They have appeared today before the Commission and made application for identification as Mississippi Choctaws claiming through the same common ancestor as these children? A Yes sir.

Q You desire this case considered with theirs do you not? A Yes sir.

Reference is made to the case of Julia Stevens, M.C.R.1.

Q do these children speak the Choctaw language? A No.

R.B.Eisenberg being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on March 21, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in same.

*R. B. Eisenberg*  
*Sub*

Subscribed and sworn to before me this 13 day of ~~June~~ *July*, 1903.

*Charles H. Sawyer*  
Notary Public.

M C R 7221

Muskogee, Indian Territory, April 21, 1903.

Ford & Haman,  
Attorneys at Law,  
Pittsboro, Mississippi.

Gentlemen:

Receipt is hereby acknowledged of certified copy of marriage certificate between E. S. Mitchell and Miss G. A. Lee, offered in support of the application made by Elias S. Mitchell for the identification of his five minor children as Mississippi Choctaws. The same has been filed with the record in this case.

Respectfully,

Chairman.



CCFV.

Muskegee, Indian Territory, October 31, 1903.

Elias S. Mitchell,

Pittsboro, Mississippi,

Dear Sir:

You are hereby advised that on the 31st day of October, 1903, the Commission to the Five Civilized Tribes, rendered a decision in the consolidated case of Sophia Aven, et al., embracing the following applications for identification as Mississippi

Choctaws:

Sophia Aven, et al.,	M.C.R. 7051
Annie Webb, et al.,	M.C.R. 7052
Bettie Hollis, et al.,	M.C.R. 7220
William R. Byars, et al.,	M.C.R. 7219
J. R. Byars,	M.C.R. 7203
Mabel Mitchell, et al.,	M.C.R. 7221.

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."



N. S. M. - 2

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Sophia Aven, Thomas Algin Aven, Annie Belle Aven, Mary Lou Aven, John Henry Aven, Annie Webb, Laban Webb, Sadie Webb, Lavelle Webb, Bettie Hollis, Hubert L. Hollis, Leonard G. Hollis, Ethel Hollis, Maud Hollis, Mable Hollis, William R. Byars, Roy D. Byars, Ora E. Byars, Ivy L. Byars, Jewell Byars, Junior Byars, Morgan P. Byars, Lester R. Byars, William W. Byars, J. R. Byars, Mabel Mitchell, Nancy R. Mitchell, Myrtle V. Mitchell, Jessie L. Mitchell and Robert T. Mitchell, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*Tams Bixby.*  
Chairman.

Registered.

M.C.R. 7221

Muskogee, Indian Territory, April 30, 1904.

Elias S. Mitchell,

Pittsboro, Mississippi.

Dear Sir:

You are hereby notified that on the 21st day of April, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Sophia Avon, et al., of which decision you were advised by registered mail on the 31st day of October, 1903.

Respectfully,

(SIGNED)

*W. H. H. H.*  
Chairman.

19

No.

7221

## FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 21 1903

Name

Age

Blood

Post Office,

Pittsboro, Miss

Father:

Elias S. Mitchell &amp;

Mother:

Georgia A. Mitchell D.

Children

Claiming through mother.

Children:

Mabel Mitchell,  $\frac{1}{2}$  20

Nancy R " 19

Myrtle V. " 17

Jessie L. " 15

Robert T. " 14.

(Application by Elias S.  
Mitchell for his 5  
minor children)

Stenographer

R. B. Eisenberg

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.

R.

Mabel Mitchell, et

REFLECT

MENT.

ACTION APPROVED  
SECRETARY OF DEPARTMENT  
APR 24 1904

ACTION MAILED APPLICANT.

APR 24 1904

NOTICE OF DEPARTMENTAL ACTION  
TO

APPLICANT.

NOTICE OF DEPARTMENTAL ACTION  
FOR CHOCTAW  
NATIONS.

REFER TO M. C. R. 7051

Choctaw MCR 7222

John J. Taylor

MCR 7222

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

--0--

In the matter of the application of John J. Tayler, et al.,  
for identification as Mississippi Choctaws, M.C.R. 7222.

List of papers forwarded to the Secretary of the Interior  
comprising the record in the above case.

(Page)

Original application of John J. Tayler, et al.,  
to the Dawes Commission for identification as  
Mississippi Choctaws----- 1

Decision of the Commission refusing the ap-  
plication of John J. Tayler, et al.,  
for identification as Mississippi Choctaws----- 6

---0---

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskegee, I.T. March 21, 1903.

7222

In the matter of the application of John J. Taylor for the identification of himself and his two minor children, John J. Jr. and Christine D. Taylor, as Mississippi Choctaws.

John J. Taylor being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A John J. Taylor.  
Q How old are you? A Forty one.  
Q What is your post office address? A Texarkana, Texas.  
Q How long have you lived there? A One year.  
Q Where did you live before that? A In Missouri prior to that for six or seven years. Prior to that time I lived in Texas for twenty years; prior to that I lived in Yalobusha County, Mississippi.  
Q What is your father's name? A Albert A. Taylor.  
Q Is he living? A No sir.  
Q What is your mother's name? A Delaney.  
Q Is she living? A No sir.  
Q Through which parent do you claim your Choctaw blood? A My father and mother both.  
Q How much do you claim? A One eighth from my father's side.  
Q And from your mother? A One sixteenth.  
Q That would make you three sixteenths? A Yes sir.  
Q Have your parents through whom you claim ever been recognized in any manner or enrolled as members of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States? A Not to my knowledge.  
Q Through which one of his parents did your father claim his Choctaw blood? A His father.  
Q What was his name? A John Taylor.  
Q What was your father's mother's name? A Polly.  
Q Was she a white woman? A Yes sir.  
Q She claimed no Choctaw blood? A No.  
Q Through which one of his parents did John Taylor claim his Choctaw blood? A I don't know.  
Q How much Choctaw blood did John Taylor have? A Half.  
Q How old would your father be if living? A About 67.  
Q Did he have any other brothers or sisters? A No sir, he was the eldest in the family to my knowledge.  
Q Do you know whether John Taylor and his wife were married prior to 1847? A To the best of my knowledge they were.  
Q Through which one of her parents did your mother claim her Choctaw blood? A Her mother.

- Q What was her name? A Susan Curry.  
Q Was that her maiden name? A That was her married name.  
Q What was her husband's name? A Johnson M. Curry.  
Q Was he a white man? A Yes sir.  
Q Claimed no Choctaw blood? A No.  
Q Through which one of her parents did Susan Curry derive her Choctaw blood? A Her father.  
Q What was his name? A William Henson.  
Q What was Susan Curry's mother's name? A I don't know.  
Q Was she a white woman? A I don't know.  
Q You don't claim anything from her? A No.  
Q William Henson had how much Choctaw blood? A One half breed.  
Q How old would your mother be if living now? A Sixty years.  
Q Do you know if she had any older brothers and sisters? A She had one older brother.  
Q Do you know how much older? A About three years.  
Q Do you know whether Johnson Curry and Susan Curry were married prior to 1830? A I don't know.  
Q Are you married? A Yes sir.  
Q What is your wife's name? A Barbara D.  
Q Is she a white woman? A Yes sir.  
Q She has no Choctaw blood? A No.  
Q You make no claim for her? A No.  
Q Is she living? A Yes.  
Q Have you any minor children for whom you wish to apply? A Yes, two.  
Q What are their names and ages? A John J. Jr., 8; Christine D., 5.  
Q This application then is for yourself and two minor children? A Yes sir.  
Q Are you the father of these children? A Yes sir.  
Q And Barbara is the mother? A Yes sir.  
Q These children claim through you? A Yes sir.  
Q When and where were you married to Barbara D. Taylor? A In 1893 at Pittsburg, Texas.  
Q Were you married under license? A Yes sir.  
Q Have you any evidence of that marriage with you? A No sir.

It will be necessary that you furnish the Commission with such evidence in support of the application you make for your minor children.

- Q Have you any evidence of the marriage of your parents with you at this time? A No sir.

It will be necessary that you furnish evidence of that marriage in support of your application.

- Q Is your name or the name of either of these minor children to be found on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.  
Q Did you ever make application to the Choctaw tribal authorities in the Indian Territory either for yourself or for these minor children to be enrolled as members of that tribe of Indians? A No sir.  
Q Did you or did anyone for you or for these children make application to the Commission to the Five Civilized Tribes for citizenship or enrollment in the Choctaw Nation under the act of Congress of June 18, 1896? A No sir.



Q Is this the first application of any description for citizenship or enrollment in the Choctaw nation ever made by you or in your behalf or in behalf of these children? A Yes sir.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the provisions of article fourteen of the treaty of 1830?

A Yes sir.

Q Do you understand that article? A Yes sir.

It reads as follows: "Each Choctaw head of a family being desirous to remain and become citizens of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it, persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Is that the provision of law under which you are claiming your right to identification as a Mississippi Choctaw? A Yes sir.

Q What is the name of your Choctaw ancestor through whom you claim such rights? A John Taylor and William Henson.

Q John Taylor was your grandfather on your father's side and William Henson was your great grandfather on your mother's side? A Yes sir.

Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of article 14 of the treaty of 1830? A Not to my knowledge.

Q Were any of your Choctaw ancestors living in 1830 when this treaty was made? A I don't know.

Q Were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians at that time? A I don't know.

Q Did any of your Choctaw ancestors own an improvement in what constituted the old Choctaw nation in 1830 when this treaty was ratified? A Not that I know of.

Q Did any of your Choctaw ancestors within six months from the ratification of the treaty of 1830 signify to the Agent in Mississippi at that time an intention to remain in the old Choctaw Nation, take land there and become citizens of the States? A Not that I know of.

Q Did any of your Choctaw ancestors remove from the old Choctaw Nation East of the Mississippi River to the Choctaw Nation Indian Territory between 1833 to 1838? A I don't know.

Q Did any of your Choctaw ancestors ever claim or receive any land from the Government under the provisions of article 14 of the treaty of 1830? A Not that I know of.

In accordance with the provisions of article 14 of the treaty of 1830 the Government directed an Agent in Mississippi at that time to register the names of these Choctaws who might desire

to remain in Mississippi and comply with the provisions of that article. The records of the Government show that this agent failed to register and report to the Government the names of a great many Choctaws who really did signify to him their intention to remain in the old Choctaw Nation, and take lands there and become citizens of the States. On this account in many instances the lands on which these Indians lived and had improvements and which they desired reserved for them were sold by the Government at its public land sales and the Choctaws deprived of their land. This caused much complaint among the Choctaws and the matter was finally brought to the attention of Congress and Congress by acts passed March 3, 1837 and August 23, 1842, appointed Commissions whose duty it was to go to Mississippi and investigate these claims.

Q Did any of your Choctaw ancestors appear before either of the Commissions appointed in 1837 or 1842 and attempt to establish rights under the provisions of article 14 of the treaty of 1830?  
A I don't know.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with article 14 of the treaty of 1830, he should be entitled to select land, in case his own had been sold by the Government, in either of the States of Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant Government land and that a certificate to that effect should be given to him. These certificates were called scrip.

Q Did any of your Choctaw ancestors ever receive any such scrip from the Government under this act of Congress? A Not that I knew of.

Q So far as you know were any of your Choctaw ancestors ever recognized members of the Choctaw tribe of Indians? A I don't know.

Q So far as you knew did they ever receive any benefits as such? A I don't know.

Q Have you any documentary evidence to present? A No sir.

Q Do you speak or understand the Choctaw language? A No sir.

Q Do you desire time in which to introduce further testimony?

A Yes sir.

Thirty days time will be allowed for this purpose.

Q Have you any witnesses you desire to call? A Yes sir.

Q What is his name? A John N. Campbell.

John N. Campbell, being called and sworn as a witness in this case, testified as follows:

Examination by the Commission:

Q What is your name? A John N. Campbell.

Q How old are you? A Fifty six.

Q What is your post office address? A Mt. Pleasant, Texas.

Q How long have you lived there? A Near thirty years.

Q Where did you live before that? A In Mississippi.  
Q Were you born there? A Yes sir.  
Q In what county? A Yalobusha County.  
Q Lived there all your life? A Till I was twenty five years old.  
Q Are you acquainted with this applicant? A Yes sir.  
Q Were you acquainted with his father? Albert, and his mother, Delaney? A Yes sir.  
Q Were you acquainted with the grandfather of this applicant on his father's side? A Yes sir.  
Q When did you first become acquainted with John Taylor, the applicant's grandfather? A As far back as I can recollect.  
Q Were you acquainted with the great grandfather of this applicant on his mother's side? A No sir.  
Q Did you know Susan Curry? A Yes sir.  
Q What do you know about John Taylor, this applicant's grandfather, being possessed of Indian blood? Choctaw blood?  
A I know he was called one half breed and he wore the Indian garb; I recollect that by being afraid of him when I was a boy.  
Q Did he live in Yalobusha County? A Yes sir.  
Q Near your home? A Yes sir.  
Q How old was he when you knew him? A He died in about 57 or '58  
Q What was his wife's name? A Polly.  
Q Did John Taylor have a Choctaw Indian name? A Not that I know of; my father used to call him Indian John.  
Q You don't know of any Indian name he had? A No sir.  
Q What do you know about Susan Curry having Choctaw blood?  
A I know she claimed to be a Choctaw.  
Q You are acquainted with the provisions of article 14 of the treaty of 1830? A Yes sir.  
Q Do you know whether any of the ancestors of this applicant complied with the provisions of article 14 of that treaty by going to the Indian agent and signifying their intention to stay in Mississippi and take land there and become citizens of the States? A No sir.  
Q Do you know whether any of the Choctaw ancestors of this applicant either on his father's side or his mother's side obtained any land from the Government under the provisions of article 14 of the treaty of 1830? A No sir, I don't.  
Q In 1837 and 1842 Commissions were appointed who went to Mississippi and investigated the claims of Indians whose land had been sold by the Government: do you know whether the ancestors of this applicant ever appeared before either of these Commissions and attempted to establish their rights under the provisions of article fourteen? A No sir.  
Q You never heard anything about that? A No.  
Q You simply know that John Taylor then was considered a half Choctaw and Susan Curry, the grandmother on the mother's side, claimed to be possessed of Choctaw blood? A Yes sir.

--

R. B. Eisenberg being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on March 21, 1903,

and that the above and foregoing is a full, true and correct transcript of his stenographic notes in same.

*P. P. Eisenberg*

Subscribed and sworn to before me this 13 day of <sup>July</sup> ~~June~~, 1903.

*Charles H. Sawyer*

Notary Public.

COPY.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

--0--

106  
In the matter of the application of John J. Taylor, et al.,  
for identification as Mississippi Choctaws, M.C.R. 7222.

---: D E C I S I O N :---

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by John J. Taylor for himself and his two minor children, John J. Jr. and Christine D. Taylor, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of John Taylor (or Indian John) and William Hanson, who are alleged to have been half blood Choctaw Indians.

It further appears from the evidence submitted in support of said application, and from the records in the possession

of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said John Taylor (or Indian John), or William Henson, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 515).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John J. Taylor, John J. Taylor, Jr. and Christine D. Taylor, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identifica-



view as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tams Bixby.  
Chairman.

(SIGNED)

T. B. Needles.  
COMMISSIONER.

(SIGNED)

C. R. Breckinridge.  
COMMISSIONER.

(SIGNED)

M. E. Stanley.  
COMMISSIONER.

Washington, Indian Territory,

OCT 29 1903

COPY.

Muskogee, Indian Territory, October 29, 1903.

John J. Taylor,  
Texarkana, Texas.

Dear Sir:

You are hereby advised that on the 29th day of October, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of John J. Taylor, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 ( 30 Stats., 495 ) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John J. Taylor, John J. Taylor, Jr. and Christine D. Taylor, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen



J. J. T. 2.

days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*T. B. Needles.*  
Commissioner in Charge.

Register.

COPY:

M.C.R. 7222.

Muskogee, Indian Territory, October 28, 1903.

Mansfield, McMurray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 28th day of October, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of John J. Taylor, et al., applicants for identification as Mississippi Choctaws.

This application is made under the provision of the act of Congress of June 28, 1898 ( 30 Stats., 495 ):

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John J. Taylor, John J. Taylor, Jr. and Christine D. Taylor, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs,

Respectfully,

(SIGNED)

*T. B. Needles.*  
Commissioner in Charge.

COPY.

Muskegee, Indian Territory, November 14, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of John J. Taylor, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 29, 1903.

The Commission has the honor to report that the principal applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED)

*Tanis Birney*  
Chairman.

Through the

Commissioner of Indian Affairs.

2 Encl. M.C.R. 7222.

(COPY)

DEPARTMENT OF THE INTERIOR  
OFFICE OF INDIAN AFFAIRS

Land,

WASHINGTON

July 12, 1904.

75095-1903.

649-130

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to forward herewith for Departmental action, a report of the Commission to the Five Civilized Tribes, dated November 14, 1903, transmitting therewith the record in the case of John J. Taylor, et al., applicants to the Commission for identification as Mississippi Choctaw Indians, including the decision of the Commission of October 29, 1903, refusing to identify them as such. The principal applicant, John J. Taylor for himself and his two minor children, John J. Taylor Jr. and Christine D. Taylor, claims rights in the Choctaw Lands under article 14 of the treaty between the United States and the Choctaw Nation, concluded September 27, 1830, by reason of being a descendant of one John Taylor (or Indian John) and William Henson who are alleged to have been half-blood Choctaw Indians. It further appears from the evidence and the records before the Commission, that none of said

applicants have ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896 (29 Stat., 321). Principal applicant, John J. Taylor claims recognition as a Mississippi Choctaw Indian by reason of his descent from an alleged grandfather on his father's side named John Taylor who resided in Yallobusha County, Mississippi, in 1830, and also by reason of his descent from a great-grandfather on his mother's side named William Hanson, both of which ancestors as alleged were half-blood Choctaw Indians, and residents of Mississippi in 1830. The principal applicant claims to be about one-sixteenth Choctaw Indian, but does not speak the Choctaw language.

A careful examination of the records of this office failed to disclose the name of either John J. Taylor or William Hanson, the ancestors through whom applicants claim, as among the names of those Choctaw Indians who complied or attempted to comply with the provisions of article 14 of the treaty of 1830 or received lands thereunder or scrip under subsequent legislation relative thereto.

I recommend that the decision of the Commission of October 29, 1903, refusing to identify John J. Taylor, John J.

Taylor, Jr. and Christine D. Taylor, as Mississippi Choctaw  
Indians be affirmed.

Very Respectfully,

A. C. Tonner.

Acting Commissioner.

GR

6

(COPY)

W.C.F.

DEPARTMENT OF THE INTERIOR

FHE

D.C. 25584-1904. WASHINGTON July 16, 1904.  
I.T.D. 5680-1904.  
L.R.S.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory,

Gentlemen:

November 14, 1903, you transmitted the record in the matter of the application for identification of John J. Tayler and his two minor children, John J. Taylor, Jr. and Christine D. Taylor as Mississippi Choctaws, including your decision of October 29, 1903, refusing to identify them as such.

Reporting in the matter July 12, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

Thos. Ryan.

Acting Secretary.

1 inclosure.



COPY:

MC.R. 7222

Muskogee, Indian Territory, August 1, 1904.

John J. Taylor,

Texarkana, Texas,

Dear Sir:

You are hereby notified that on the 16th day of July, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of John J. Taylor et al., of which decision you were advised by registered mail on the 29th day of October, 1903.

Respectfully,

SIGNED

*T. B. Needles.*

Commissioner in Charge



COPY

Muskogee, Indian Territory, August 1, 1904.

Mansfield, McMurray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory,

Gentlemen:

You are hereby notified that on the 16th day of July, 1904, the Secretary of the Interior affirmed the decision of his Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of John J. Taylor et al., of which decision you were advised by mail on the 29th day of October, 1903.

Respectfully,

(SIGNED) *T. B. Needles.*

Commissioner in Charge.

29

No. 7222

# FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 21 1903  
Name John J. Taylor.  
Age 41, Blood  $\frac{3}{16}$   
Post Office, Texarkana, Texas.  
Father: Albert A. Taylor. D.  
Mother: Delaney " D.

Claims through father & mother  
Wife: Barbara S. Taylor w. L  
No claim for her.

## Children:

John J. Taylor, Jr. 8  
Christine D. " 5.

(Claims for self & 2 children)

Stenographer

R. B. Eisenberg

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.

John J. Taylor  
REFUSEL

RECORD FORWARDED TO DEPARTMENT

NOV 1 1904

ACTION APPROVED BY  
SECRETARY OF INTERIOR

JUL 21 1904

NOTICE OF DEPARTMENTAL  
ACTION MAILED APPLICANT

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKSAW NATIONS.

Choctaw MCR 7223

Pennsylvania Duncan

MCR 7223

Department of the Interior  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. March 23, 1903.

---o---

In the matter of the application of Pennsylvania Duncan  
for the identification of herself and her three minor children  
Patrick Henry, Fred and John Wesley Duncan, as Mississippi Choctaws.

Robert Toomer, attorney.

Pennsylvania Duncan being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A Pennsylvania Duncan.  
Q What is your age? A Forty-four.  
Q What is your post office address? A Ravia, Indian Territory.  
Q How long have you been there? A Three years.  
Q How long in Indian Territory? A Well about five or six years.  
Q Where were you born? A Arkansas.  
Q Where in Arkansas? A Well it was Hot Springs county.  
Q How long did you live in Arkansas? A I lived there about  
thirty-six years.  
Q And from there you went where? A Territory.  
Q Is your father living? A No, sir.  
Q Is your mother living? A No, sir.  
Q What is your father's name? A Thomas J. Harwood.  
Q What is your mother's name? A Matilda Harwood.  
Q Do you claim through your father or mother? A My mother.  
Q How much Choctaw blood do you claim? A Well I couldn't tell  
you.  
Q Has your mother ever been recognized or enrolled as a Choctaw  
Indian by the Choctaw tribal authorities or the United States  
authorities in Indian Territory? A No, sir.  
Q Is your husband living? A Yes, sir.  
Q He is living and white? A Yes, sir.  
Q Do you make any claim for him? A No, sir.  
Q What is his name? A John Henry Duncan.  
Q Have you any children that you want to make application for? A  
Yes, sir.  
Q What is the name of the eldest? A Patrick Henry.  
Q How old? A Sixteen.  
Q The next? A Fred.  
Q How old is Fred? A He is twelve.  
Q Next? A John Wesley.  
Q How old? A Ten.  
Q You claim for yourself and these three minor children do you? A  
Yes, sir.  
Q And these children live with you at your home? A Yes, sir.  
Q And you and your husband are living together as husband and wife?  
A Yes, sir.  
Q And John Henry Duncan, your husband, is the father of these three  
children? A Yes, sir.

- Q Is your name with the names of your children on any tribal roll of the Choctaw Nation in Indian Territory? A Yes, sir.
- Q You are not enrolled as a Choctaw Indian with your children? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation either to the Choctaw tribal authorities or to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896 for yourself and children? A No, sir.
- Q Have you ever made any claim or application before this for yourself and children for citizenship in the Choctaw Nation? A No, sir.
- Q This is your first application? A Yes, sir.
- Q Do you want to be identified with your children as Mississippi Choctaws? A Yes, sir.
- Q Do you claim under article fourteen of the treaty of 1830? A Yes, sir.

Article fourteen is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q What is the name of your ancestor that you claim through now. Your grandfather, grandmother, whoever it is you claim through going back as far as you can? A My mother.
- Q What was her father's name? A Chubbee.
- Q Do you know whether your mother claimed through her father or both? A I think it was her father.
- Q And you think his name was what? A Chubbee.
- Q Is that all the name you know? A That is all I remember.
- Q Do you know whether your mother claimed through her mother or not? A Well I don't know.
- Q Did any of your Choctaw ancestors live in Mississippi or Alabama in 1830 and have a family there then? A I couldn't tell you that.
- Q Did any of them live on land in the old Choctaw Nation for five years after the treaty was ratified and at the end of that time get a patent from the government? A I couldn't tell you.

- Q Did any Choctaw ancestor go to Colonel Ward within six months after the treaty of 1830 was ratified and register or attempt to register under article fourteen? A Not that I know of.
- Q Did any Choctaw ancestor of yours go from that old Choctaw Nation east of the Mississippi River to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A I couldn't tell.
- Q Or at any time between the years 1833 and 1838 at the expense of the government? A I don't know.
- Q Did any of them go before a Commission in 1837 or a commission in 1842, which commissions were appointed under acts of Congress approved March 3, 1837 and August 23, 1842 and claim any benefits under article fourteen of the treaty of 1830? A I don't know.

These commissions were appointed under these various acts of Congress to hear Indians who claimed that they had attempted to register under article fourteen of the treaty of 1830 but were refused by Colonel Ward, and because of his refusal their lands were taken from them and sold by the government at its public land sales.

- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A I don't know.

This scrip was issued under an act of Congress approved August 23, 1842 and was given to Indians who proved their right under article fourteen of the treaty of 1830 and also proved that their land in the old Choctaw Nation had been taken from them and sold.

- Q Do you speak or understand the Choctaw language? A No, sir.

This applicant will be allowed thirty days time from this date in which to introduce other proof.

This applicant has the appearance and physical appearance characteristics of being descended from white parentage, dark brown hair, blue eyes, medium dark complexion; has no knowledge of the Choctaw language and no knowledge of a compliance on the part of any of her ancestors with any of the provisions of article fourteen of the treaty of 1830?

---o---

Chas. Diffendaffer, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause taken at Muskogee, Indian Territory, March 23, 1903, and that the foregoing is a full, true and correct transcript of his stenographic notes taken at in said cause on said date.

*Chas. Diffendaffer*

Subscribed and sworn to before me this 5<sup>th</sup> day of May 1903.

*Charles H. Sawyer*  
Notary Public.

Department of the Interior  
Commission to the Five Civilized Tribes  
Muskogee, I.T. March 23, 1903.

---0---

In the matter of the application of Lewis M. Harwood for the identification of himself as a Mississippi Choctaw.

Robert Toomer attorney.

Lewis M. Harwood being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A Lewis M. Harwood.  
Q What is your age? A Fifty years old.  
Q What is your post office address? A Ravia, Indian Territory.  
Q How long have you lived in Ravia? A About a month.  
Q Where were you born? A Mississippi, Jasper county. in '53 and went from there to Arkansas, stayed there until 1874, been in the territory ever since.  
Q Is your father living? A No, sir.  
Q Is your mother living? A Mother is dead.  
Q What is your father's name? A Thomas J. Harwood.  
Q What was your mother's name? A Matilda Chubbe  
Q Do you claim through your mother? A Yes, sir.  
Q How much Choctaw blood do you claim? A I don't know, can't tell.  
Q Has your mother been recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or the United States authorities in Indian Territory? A She told me she was.  
Q Enrolled in the Indian Territory? A No, sir.  
Q Is your wife living? A No, sir, been dead eighteen years.  
Q What was her name? A Sarah Ann.  
Q She is dead? A Yes, sir.  
Q She was a white woman? A Yes, sir.  
Q And you have children grown or married I suppose? A I have one.  
Q But have you any children under twenty-one and unmarried? A No, sir.  
Q You claim for yourself alone? A Yes, sir.  
Q Is your name on any tribal roll of the Choctaw Nation in Indian Territory? A No, sir.  
Q Have you ever made application for citizenship in the Choctaw Nation either to the Choctaw tribal authorities in Indian Territory or to the Dawes Commission under the act of Congress of June 10, 1896? A No, sir, never did.  
Q Have you ever been admitted to citizenship in the Choctaw Nation by any authority whatever up to the present time? A No, sir.  
Q This is your first application for citizenship in the Choctaw Nation? A Yes, sir.  
Q Do you want to be identified under article four teen of the treaty of 1830? A Yes, sir.

Article fourteen is as follows:



"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you understand that article well enough to claim under it? A Yes, sir.
- Q What is the name of your ancestor that you claim through now? A Chubbe.
- Q What relation is Pennsylvania Duncan to you? A She is my own sister.
- Q What relation is Lou Duncan to you? A She is my cousin.
- Q They have both made application to be identified as Mississippi Choctaws today have they not? A Yes, sir.
- Q Do you want your case considered under the application of your sister? A Yes, sir.

The case of Pennsylvania Duncan is referred to for the purpose of consolidation, M.C.R. 7223.

- Q What relation was Chubbe to you? A My grandmother.
- Q This Chubbe that you claim through was your grandmother? A Yes, sir.
- Q Well how is your grandmother Chubbe, that you claim through, related to the Chubbe your sister Pennsylvania Duncan claims through and she says was her grandfather? Your sister claims through her grandfather? A I don't know myself.
- Q Now which do you think is right, do you think your sister Pennsylvania Duncan is right or do you think you are right? A Well-
- Q Well do you claim through both grandfather and grandmother? A Grandmother is what they always told me.
- Q Do you know anything about your grandfather Chubbe? A No, sir, I don't know.
- Q Well your sister claims through her grandfather Chubbe, Lou Duncan claims through her grandfather Chubbe and you claim through your grandmother Chubbe? A I believe I was too fast about that.
- Q Can you straighten that out? A I always thought it was my grandmother.

You will be allowed thirty days time in which to introduce

evidence in support of this application so that is you find evidence later on this point you can introduce it.

- Q Do you know whether both your grandfather and grandmother were Choctaws? A No, sir I don't know.
- Q How much Choctaw blood did your grandmother have? A They told me she was one-half breed.
- Q Did she live in Mississippi in 1830 and have a family there then? I suppose she did I couldn't tell you.
- Q Did she live on land for five years in the old Choctaw Nation and at the end of that time get a patent from the government under article fourteen of the treaty of 1830? A I don't know whether she got a patent or not.
- Q Did she live on land in the old Choctaw Nation? A Yes, sir.
- Q Did she claim it? A I don't know.
- Q Did she buy it? A I don't know, she registered so they told me.
- Q Did she register under article fourteen by going to Colonel Ward within six months after the treaty was ratified and telling him she wanted to take land there and stay there? A I don't know.
- Q Did she go from the old Choctaw Nation east of the Mississippi River to the Choctaw Nation Indian Territory with the other Indians between the years 1833, 1838 or 1840? A No, sir.
- Q Did she own any improvement on land in the old Choctaw Nation in 1830? A I couldn't tell you.
- Q Did she go before a commission in 1837 or a commission in 1842 and claim any rights under article fourteen of the treaty of 1830? A That is what they told me she did.
- Q Which commission? A I couldn't tell you now.

These Commissions were appointed under various acts of Congress one in 1837 by an act approved March 3d of that year and the other in 1842 by an act approved August 23d of that year, in order to hear the complaints of Choctaw Indians who attempted to register under article fourteen of the treaty of 1830 but were refused by Colonel Ward, the United States Indian agent, and because they were not allowed to register these Indians had their lands taken from them and sold by the government?

- Q You say that she did go before either of these commissions? A I don't know.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi, Louisiana, Alabama or Arkansas? A Not that I know of.

Q This scrip was issued under an act of Congress approved August 23, 1842 and was given to those Choctaw Indians who proved their right under article fourteen of the treaty of 1830 and also proved their right land in the old Choctaw Nation had been taken from them and sold by the government at its public land sales.

- Q Do you speak Choctaw? A No, sir.
- Q You don't understand that? A Not much.

This applicant has the appearance and physical characteristics of being descended from white parentage brown hair and whiskers, light brown mustache, blue eyes, has no knowledge of

7227-4

the Choctaw language.

---o---

Chas. Diffendaffer, being first duly sworn states that as stenographer to the Commission to the Five civilized Tribes he reported the proceedings had in the above entitled cause taken at Muskogee, Indian Territory March 23, 1903, and that the foregoing is a full true and correct transcript of his stenographic notes taken in said cause on said date.

*Chas. Diffendaffer*

Subscribed and sworn to before me this 6<sup>th</sup> day of May 1903.

*Charles H. Sawyer*  
Notary Public.

7223  
&  
7224

Department of the Interior  
Commission to the Five Civilized Tribes  
Muskogee, I.T. March 23, 1903.

---o---

Additional testimony in the matter of the applications of  
Pennsylvania Duncan and Lou Duncan for identification as Mississippi  
Choctaws:

Robert Toomer attorney.

John Chubbe being first duly sworn as a witness testifies as  
follows in the above entitled cause:

Examination by the commission:

- Q What is your name? A John Chubbe.  
Q How old are you? A Fifty-six.  
Q Where do you live? A Ravia, Indian Territory.  
Q Are you a full blood? A Yes, sir.  
Q Where did you come from? A Mississippi.  
Q When did you come? A Been here three weeks.  
Q Where did you live in Mississippi? A Jasper county.  
Q Do you know anything about Pennsylvania Duncan? A Yes, sir.  
Q Do you know her? A Yes, sir.  
Q Where does she live, at Ravia? A Yes, sir.  
Q And Lou Duncan? A Yes, sir.  
Q Did you know the grandfather of Pennsylvania Duncan, Chubbee?  
A Yes, sir.  
Q Did you know Lou Duncan's grandfather, Chubbee? A Yes, sir.  
Q Was this Chubbee the grandfather of these two people? A Yes,  
sir, I think so.  
Q Where did you know him? A I knew him in Mississippi.  
Q Well now tell the commission what you know about his having any  
Choctaw Indian; how much Choctaw Indian are they? A I think  
about one-half.  
Q How much Choctaw blood did Chubbee have? A One-half.  
Q Where did he live in Mississippi? A He lived in Jasper county.  
Q How long ago was it that you knew him in Mississippi? A Long  
time ago.  
Q How long ago? A Thirty years ago.  
Q Did he die in Mississippi? A Yes, sir.  
Q Where? A Jasper county.  
Q Do you know how old he was when he died? A No, sir.  
Q Did he speak the Choctaw language? A Yes, sir.  
Q How do you know that Pennsylvania Duncan is related to this  
Chubbee that you know? A He married Chubbee.  
Q Did Pennsylvania Duncan's father marry Chubbee? A She was  
Chubbee herself.  
Q Pennsylvania Duncan or her mother? A Her mother.  
Q Her mother married Chubbee? A Yes, sir.  
Q And did Lou Duncan's mother marry Chubbee? A Yes, sir.

7223 &amp; 7224

- Q What relation is Pennsylvania Duncan to Lou Duncan, do you know?  
A No, sir.
- Q Did you know Pennsylvania Duncan in Mississippi or in the Territory? A Know him in Territory.
- Q Didn't you know her in Mississippi? A No, sir.
- Q Did you know Lou Duncan in Mississippi or the Territory? A Territory.
- Q How did you know that they were related to this man Chubbee that lived in Mississippi, did they tell you so? A Yes, sir.
- Q Do you know anything about the treaty of 1830 or article fourteen of that treaty? A No, sir.
- Q Do you know whether this Chubbee that Lou and Pennsylvania Duncan claim through, do you know whether he ever went before Colonel Ward and tried to get any land in 1831 under article fourteen of the treaty of 1830? A No, sir.
- Q When in Mississippi you didn't know much about that treaty? A No, sir.
- Q All that you know is that you knew a man in Mississippi and he was one-half Choctaw Indian and he died there? A Yes, sir.
- Q And these women told you he was their grandfather? A Yes, sir.
- Q Do you know whether this man Chubbee, that you knew back there, was on any roll of the Choctaw Indians in Mississippi? A No, sir.

Witness excused.

John Lewis being first duly sworn as a witness in the above entitled cause testifies as follows:

Examination by the commission:

- Q What is your name? A John Lewis.
- Q How old are you? A Sixty.
- Q Where do you live now? A Ravia.
- Q Where were you born? A Mississippi.
- Q Where in Mississippi? A Jasper county.
- Q Are you a full blood? A Yes, sir.
- Q Well you didn't know Pennsylvania Duncan in Mississippi did you?  
A No, sir.
- Q Nor Lou Duncan either, you knew them at Ravia? A Yes, sir.
- Q You don't know whether this Chubbee is their grandfather do you?  
A No, sir.
- Q You just simply knew a man in Mississippi by the name of Chubbee?  
A Yes, sir.
- Q How much Choctaw blood did Chubbee have? A One-half.
- Q Do you know anything about article fourteen of the treaty of 1830?  
A No, sir.
- Q You don't know anything about how much Choctaw blood these women have do you? A No, sir.
- Q And you don't know that they are related to this Chubbee except from what they told you? Is that all you know John? A Yes, sir.

---o---

Chas. Diffendaffer, being first duly sworn states that as

3

7223 & 7224

stenographer to the commission to the five civilized Tribes he reported the proceedings had in the above entitled cause taken at Muskogee, Indian Territory March 23, 1903, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

*Chas. Diffendaffer*

Subscribed and sworn to before me this 5<sup>th</sup> day of May 1903.

*Charles H. Sawyer*

Notary Public.

119

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---C---

In the matter of the application of Lewis M. Harwood, et al.,  
for identification as Mississippi Choctaws, consolidating the ap-  
plications of:

1  
4  
8  
13  
Lewis M. Harwood, M.C.R. 7227  
Pennsylvania Duncan, et al., M.C.R. 7223  
Lou Duncan, et al., M.C.R. 7224

---: D E C I S I O N :---

It appears from the record herein that applications for  
identification as Mississippi Choctaws were made to this Commission  
by Lewis M. Harwood for himself; by Pennsylvania Duncan for her-  
self and her three minor children, Patrick Henry, Fred and John  
Wesley Duncan; and by Lou Duncan for herself and her seven minor  
children, Elbert, William B., Otha T., Ida E., Pearl T., Perry and  
Thurman Duncan, under the following provision of the act of Congress  
approved June 25, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the  
identity of Choctaw Indians claiming rights in the Choctaw  
lands under article fourteen of the Treaty between the United  
States and the Choctaw Nation, concluded September twenty-  
seventh, eighteen hundred and thirty, and to that end examine  
witnesses and take evidence, and perform all other acts  
necessary thereto and make report to the Secretary of the In-  
terior."



It also appears that the principal applicant herein claims rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being a descendant of his grand-father, Chubbe, who is alleged to have been an one-half blood Choctaw Indian; and that all the other applicants herein claim said rights by reason of being descendants of their grand-mother, Chubbee (or Chubbe), who is alleged to have been a Choctaw Indian, degree of blood not stated, and both of whom are alleged to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It is found that the name Chubbee appears on pages 145, 396, 627, 778, and 779 of Volume I, Claimant's Brief and Evidence in the case of the Choctaw Nation vs. United States before the Court of Claims No. 12742, and also on page 929 of Volume II of said record in a number of lists, schedules and depositions relating to claims arising under article fourteen of the treaty of eighteen hundred and thirty; but it does not appear from the evidence submitted by the several applicants herein that either of the ancestors



through whom they claim, is the identical Chubbee whose name appears in the record above cited. It is further found that the name Chubbee appears on page 95 of Volume VII, American State Papers, Public Lands, in a list of names of Choctaw Indians, heads of families, who resided in Greenwood Leflore's district in the territory occupied by the Choctaw Indians in the States of Mississippi and Alabama at the date of the making of the treaty of "Dancing Rabbit Creek", and had lands in cultivation, in exchange for which ~~they were to receive stipulated tracts of land in accordance with~~ the provisions of the nineteenth article of said treaty. The record above referred to in no way relates to article fourteen of the treaty of eighteen hundred and thirty, or shows a compliance or attempted compliance on the part of the person therein named with its provisions.

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Chubbe, or Chubbee (or Chubbe), through whom these applicants claim, or ancestors less remote signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lewis

M. Harwood, Pennsylvania Duncan, Patrick Henry Duncan, Fred Duncan, John Wesley Duncan, Lou Duncan, Elbert Duncan, William B. Duncan, Otha T. Duncan, Ida E. Duncan, Pearl T. Duncan, Harry Duncan, and Thurman Duncan, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tams Birby,  
Chairman.

(SIGNED)

T. B. Needles.

COMMISSIONER.

(SIGNED)

C. R. Breckinridge.

COMMISSIONER.

Muskogee, Indian Territory,

(SIGNED)

W. E. Stanley.

COMMISSIONER.

OCT 31 1903

M.C.R. 7223.

COPY.

Muskogee, Indian Territory, October 31, 1903.

Pennsylvania Duncan,

Havia, Indian Territory.

Dear Madam:

You are hereby advised that on the 31st day of October, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lewis M. Harwood, et al., embracing the following applications for identification as Mississippi Choctaws:

Lewis M. Harwood,	M. C. R. 7227,
Pennsylvania Duncan, et al.,	M. C. R. 7223,
Lou Duncan, et al.,	M. C. R. 7224.

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lewis M. Harwood, Pennsylvania Duncan, Patrick Henry

Duncan, Fred Duncan, John Wesley Duncan, Lou Duncan, Elbert Duncan, William B. Duncan, Otha T. Duncan, Ida E. Duncan, Pearl T. Duncan, Harry Duncan and Thurman Duncan, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*Tame Bixby.*  
Chairman.

Registered.

Muskogee, Indian Territory, March 10, 1904.

Pennsylvania Duncan,

Navia, Indian Territory.

Dear Madam:

The Secretary of the Interior with his letter of March 2, 1904, remanded to this Commission the record theretofore forwarded the Department in the matter of the consolidated Mississippi Choctaw case of Lewis M. Harwood, of which your application is a part, with instructions that the applicants be granted an opportunity to introduce additional testimony and evidence in support of their claim.

It appears from the record in this case that the applicants claim their Choctaw descent from one Chubbee (or Chubbe), who was a resident of the old Choctaw Nation in Mississippi in 1830.

The Secretary of the Interior in his letter states:

"From the report of the Acting Commissioner of Indian Affairs, dated February 17, 1904, it appears that there were a number of persons of that name who were entitled to the benefits of article 14 of the treaty of September 27, 1830. The Acting Commissioner recommends, under the circumstances, that the case be returned to you for further investigation."

The Commission is directed to advise you that said records relating to the compliance of persons with the provisions of article 14, contain certain information, as of the year 1830,

P D 2

relative to the persons whose names appear thereon, showing:

1st. Their description.

2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road).

3rd. Their Choctaw as well as their English names.

4th. The names and number of the persons who composed their families.

5th. The names of their neighbors and immediate associates,

and that for the purpose of comparison, testimony of like character should be furnished relative to the applicants' ancestors.

The Commission requires of applicants for identification as Mississippi Choctaws that they not only show that they are possessed of Choctaw blood but that they must also show that they are the descendants of Choctaw ancestors who resided in the old Choctaw Nation in the States of Mississippi and Alabama in 1830, and that such ancestors complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830, or subsequently had their claims arising thereunder adjudicated by either of the two Commissions authorized for this purpose by the acts of Congress of March 3, 1837 and August 23, 1842.

You are further advised that the Commission is averse to the acceptance of ex parte affidavits in support of Mississippi

P D 3

Choctaw cases, and prefers, whenever possible, to have the personal appearance of witnesses for examination under oath. In the event that such witnesses are unable to make personal appearance on account of old age or infirmity or are non-residents of Indian Territory, their depositions may be considered when taken in conformity with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, a copy of which rules and regulations is herewith enclosed.

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Monday, April 11, 1904, hear the testimony of such witnesses as may present themselves in person and receive for consideration such documentary evidence as may be offered in support of this case, notice of the taking of testimony or offering of documentary evidence being first served upon Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, South McAlester, Indian Territory.

Respectfully,

R & R Dep  
Registered

Commissioner in Charge.

M C R 7227

M C R 7223 ✓

M C R 7224

Muskogee, Indian Territory, March 23, 1904.

Mansfield, McMurray & Cornish,  
Attorneys for the Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 18th instant, requesting that you be furnished copies of the testimony of the following persons, taken in the matter of the consolidated Mississippi Choctaw case of Lewis M. Harwood, et al.: Lewis M. Harwood, Pennsylvania Duncan and Lou Duncan.

In reply you are advised that copies of such testimony are herewith enclosed.

Respectfully,

Commissioner in Charge.

McM 999



M C R 7223

M C R 7224

Muskogee, Indian Territory, March 28, 1904.

Lou Duncan,

Ravia, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of the joint letter of yourself and Pennsylvania Duncan, dated March 23, 1904, enclosing motion for a continuance in your cases until April 27, 1904.

In reply you are advised that a copy of the decision of the Commission to the Five Civilized Tribes granting you an extension of time in the matter of the applications made by yourself and Pennsylvania Duncan for the identification of yourselves and minor children as Mississippi Choctaws, until April 27, 1904, is herewith enclosed.

Respectfully,

Commissioner in Charge.

McM 101

M.C.R. 7223

COPY

Muskogee, Indian Territory, July 23, 1904.

Pennsylvania Duncan,

Ravia, Indian Territory,

Dear Madam:

You are hereby notified that on the 9th day of July, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lewis M. Harwood et al., of which decision you were advised by registered mail on the 31st day of October, 1903.

Respectfully,

(SIGNED)

*T. B. Needles.*

Commissioner in Charge.

7223 CHS

No.

7223

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 28 1903

Name Pennsylvania Klemmer

Age 44.

Blood Don't know

Post Office, Ravia, I. T. -

Father: Thomas J. Harwood, d.

Mother: Matilda " d

Claims through

mother

Husband Klemmer  
 J. H. Harwood, I. T.  
~~No claim~~

No claim for husband

Children:

Patrick H. Klemmer, 16

Fred " 12

John W. " 10

Claims for self &  
 3 minors

Stenographer Chas. R. Johnson

MISSISSIPPI HOCHSCHULE  
Pennsylvania Duncan

REFUSED.

REMANDED BY THE SECRETARY OF THE  
INTERIOR FOR FURTHER HEARING.

MAY 2 1904

RECORD FORWARDED DEPARTMENT. MAY 24 1904

ACTION APPROVED BY  
SECRETARY OF INTERIOR.  
JUL 1 1904

NOTICE OF DEPARTMENTAL  
ACTION MAILED APPLICANT.

JUL 1 1904

NOTICE OF DEPARTMENTAL ACTION  
FORWARDING TO THE SECRETARY OF THE  
INTERIOR.

U.S.

Choctaw MCR 7224

Lou Duncan

MCR 7224

Department of the Interior  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. March 23, 1903.

---0---

In the matter of the application of Lou Duncan for the identification of herself and her seven minor children, Elbert, William B., Otha T., Ida E., Pearl T., Harry and Thurman Duncan, as Mississippi Choctaws.

Robert Toomer attorney.

Lou Duncan being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A Lou Duncan.  
Q What is your age? A Thirty-seven.  
Q What is your post office address? A Ravia, Indian Territory.  
Q And how long have you lived there? A Three years.  
Q Where were you born? A Mississippi.  
Q Where in Mississippi? A Jasper county.  
Q From Mississippi you went to what state? A Arkansas.  
Q And lived there how long? A About twenty-five years.  
Q And from there went where? A Territory.  
Q And have lived in the Territory since? A Yes, sir.  
Q Is your father living? A No, sir.  
Q Is your mother living? A No, sir.  
Q What is your father's name? A John Johnson.  
Q What was your mother's name? A Chubbe.  
Q I mean her other name? A Elizabeth.  
Q You claim through your mother? A Yes, sir.  
Q How much Choctaw blood do you claim? A I couldn't tell you.  
Q Has your mother ever been recognized or enrolled as a member of the Choctaw tribe by the Choctaw tribal authorities or the United States authorities in Indian Territory? A I was told that she wasn't.  
Q Is your husband living? A Yes, sir.  
Q What is his race, white? A White.  
Q What is his name? A William D. Duncan.  
Q Do you make any claim for your husband? A No, sir.  
Q Now give me the names of your children under twenty-one and unmarried that you want to make application for? A Elbert.  
Q How old? A Eighteen.  
Q The next? A William B., fourteen.  
Q The next? A Otha T.  
Q How old? Twelve.  
Q Is that a boy? A Yes, sir.  
Q The next? A Ida E., ten.  
Q Next? A Pearl T., nine.  
Q The next? A Harry, four.  
Q The next? A Thurman, one.  
Q You claim for yourself and these children do you? A Yes, sir.

- Q Is William D. Duncan, your husband, the father of these children?  
A Yes, sir.
- Q Are you and your husband living together as husband and wife and are these children living with you at your home? A Yes, sir.
- Q Is your name with the names of your children on any tribal roll of the Choctaw Nation in Indian Territory? A No, sir.
- Q Did you ever make application for citizenship in the Choctaw Nation for yourself and children either to the Choctaw tribal authorities in Indian Territory or to the Dawes Commission under the act of Congress of June 10, 1896? A No, sir.
- Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or by the Commission to the Five Civilized Tribes, or the United States authorities in Indian Territory? A No, sir.
- Q Do you want to be identified with these children as Mississippi Choctaws? A Yes, sir.
- Q Do you claim under article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you think you understand that article well enough to claim as under it? A Yes, sir.

That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply or attempt to comply with any of the provisions of that article? A No, sir, I was been told they never.
- Q What is the name of your ancestor that you claim through now? A Chubbe.
- Q What relation to you? A I don't know.
- Q Was it as a man or woman? A Man.
- Q You claim through your mother? A Yes, sir.
- Q She claimed through this man, was he your grandfather? A Yes, sir.
- Q Did your grandfather Chubbe, your mother's father, have any other name except Chubbe? A That is all I know.
- Q Did he speak Choctaw? A Yes, sir.



- Q Did he have an English name? A Not that I know of.
- Q Do you know anything about his wife? A No, sir.
- Q How old would he be if living now? A I couldn't tell you how old.
- Q Where was he born? A Mississippi.
- Q Where did he die? A Mississippi.
- Q Did he always live in Mississippi? A Yes, sir, all my folks lived in Mississippi.
- Q Do you know whether your grandfather Chubbe lived in Mississippi in 1830? A Yes, sir, they lived there I think.
- Q Now did he live there in 1830 and have a family there then seventy three years ago? A Yes, sir he had a large family.
- Q Did he, or any other of your Choctaw ancestors, go within six months after the treaty was ratified to the United States Indian Agent, Colonel Ward and tell him he wanted to stay in Mississippi take land there and become a citizen of the states? A I don't know.
- Q Did any of your Choctaw ancestors live on land in the old Choctaw Nation for five years after the treaty was ratified and at end of that time receive a patent from the government for that land? A I don't know.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi River to the Choctaw Nation Indian Territory with the other Indians between the years 1833, 1838 or 1840? A I don't know.
- Q Or at any other time between the ratification of the treaty of 1830 and the date of this application made by you today for the purpose of making a permanent home in the Indian Territory? A I don't know.
- Q Did any of your Choctaw ancestors go before a commission in 1837 or a commission in 1842, which commissions were appointed by various acts of Congress approved March 3, 1837 and August 23, 1842, and claim any benefits under article fourteen of the treaty of 1830? A I don't know.

These commissions were appointed in 1837 and 1842 for the purpose of hearing Choctaw Indians who claimed that they had tried to register under article fourteen within six months from the ratification of the treaty of 1830 but were prevented by Colonel Ward from doing so, and as a result of this act of Colonel Ward their land had been taken from them by the government and sold at its public land sales.

- Q Do you know whether any of your ancestors received any scrip from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A I don't know.
- Q This scrip was issued under an act of Congress approved August 23, 1842.
- Q Do you speak or understand the Choctaw language? A No, sir.

This applicant will be allowed thirty days time from this date in which to introduce other proof in this case.

- Q Are you repated to Pennsylvania Duncan? A Yes, sir.



7224-4

Q What kin? A Cousins.

Q Do you want to have your case and hers considered together? A Yes, sir.

The case of Pennsylvania Duncan, M.C.R. 7223 is referred to for the purpose of consolidation.

This applicant has the appearance and physical characteristics of being descended from white parentage, brown hair, brown eyes, medium fair complexion; doesn't understand the Choctaw language and has no knowledge of a compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

---O---

Chas. Diffendaffer, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause taken at Muskogee, Indian Territory March 23, 1903, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

*Chas. Diffendaffer*

Subscribed and sworn to before me this 5<sup>th</sup> day of May 1903.

*Charles H. Sawyer*  
Notary Public.

7223  
&  
7224

Department of the Interior  
Commission to the Five Civilized Tribes  
Muskogee, I.T. March 23, 1903.

---0---

Additional testimony in the matter of the applications of  
Pennsylvania Duncan and Lou Duncan for identification as Mississippi  
Choctaws:

Robert Toomer attorney.

John Chubbe being first duly sworn as a witness testifies as  
follows in the above entitled cause:

Examination by the Commission:

- Q What is your name? A John Chubbe.  
Q How old are you? A Fifty-six.  
Q Where do you live? A Ravia, Indian Territory.  
Q Are you a full blood? A Yes, sir.  
Q Where did you come from? A Mississippi.  
Q When did you come? A Been here three weeks.  
Q Where did you live in Mississippi? A Jasper county.  
Q Do you know anything about Pennsylvania Duncan? A Yes, sir.  
Q Do you know her? A Yes, sir.  
Q Where does she live, at Ravia? A Yes, sir.  
Q And Lou Duncan? A Yes, sir.  
Q Did you know the grandfather of Pennsylvania Duncan, Chubbee?  
A Yes, sir.  
Q Did you know Lou Duncan's grandfather, Chubbee? A Yes, sir.  
Q Was this Chubbee the grandfather of these two people? A Yes,  
sir, I think so.  
Q Where did you know him? A I knew him in Mississippi.  
Q Well now tell the Commission what you know about his having any  
Choctaw Indian; how much Choctaw Indian are they? A I think  
about one-half.  
Q How much Choctaw blood did Chubbee have? A One-half.  
Q Where did he live in Mississippi? A He lived in Jasper county.  
Q How long ago was it that you knew him in Mississippi? A Long  
time ago.  
Q How long ago? A Thirty years ago.  
Q Did he die in Mississippi? A Yes, sir.  
Q Where? A Jasper county.  
Q Do you know how old he was when he died? A No, sir.  
Q Did he speak the Choctaw language? A Yes, sir.  
Q How do you know that Pennsylvania Duncan is related to this  
Chubbee that you know? A He married Chubbee.  
Q Did Pennsylvania Duncan's father marry Chubbee? A She was  
Chubbee herself.  
Q Pennsylvania Duncan or her mother? A Her mother.  
Q Her mother married Chubbee? A Yes, sir.  
Q And did Lou Duncan's mother marry Chubbee? A Yes, sir.

7223 & 7224

- Q What relation is Pennsylvania Duncan to Lou Duncan, do you know?  
A No, sir.
- Q Did you know Pennsylvania Duncan in Mississippi or in the Territory? A Know him in Territory.
- Q Didn't you know her in Mississippi? A No, sir.
- Q Did you know Lou Duncan in Mississippi or the Territory? A Territory.
- Q How did you know that they were related to this man Chubbee that lived in Mississippi, did they tell you so? A Yes, sir.
- Q Do you know anything about the treaty of 1830 or article fourteen of that treaty? A No, sir.
- Q Do you know whether this Chubbee that Lou and Pennsylvania Duncan claim through, do you know whether he ever went before Colonel Ward and tried to get any land in 1831 under article fourteen of the treaty of 1830? A No, sir.
- Q When in Mississippi you didn't know much about that treaty? A No, sir.
- Q All that you know is that you knew a man in Mississippi and he was one-half Choctaw Indian and he died there? A Yes, sir.
- Q And these women told you he was their grandfather? A Yes, sir.
- Q Do you know whether this man Chubbee, that you knew back there, was on any roll of the Choctaw Indians in Mississippi? A No, sir.

Witness excused.

John Lewis being first duly sworn as a witness in the above entitled cause testifies as follows:

Examination by the commission:

- Q What is your name? A John Lewis.
- Q How old are you? A Sixty.
- Q Where do you live now? A Ravia.
- Q Where were you born? A Mississippi.
- Q Where in Mississippi? A Jasper county.
- Q Are you a full blood? A Yes, sir.
- Q Well you didn't know Pennsylvania Duncan in Mississippi did you?  
A No, sir.
- Q Nor Lou Duncan either, you knew them at Ravia? A Yes, sir.
- Q You don't know whether this Chubbee is their grandfather do you?  
A No, sir.
- Q You just simply knew a man in Mississippi by the name of Chubbee?  
A Yes, sir.
- Q How much Choctaw blood did Chubbee have? A One-half.
- Q Do you know anything about article fourteen of the treaty of 1830?  
A No, sir.
- Q You don't know anything about how much Choctaw blood these women have do you? A No, sir.
- Q And you don't know that they are related to this Chubbee except from what they told you? Is that all you know John? A Yes, sir.

---o---

Chas. Diffendaffer, being first duly sworn states that as

7223 & 7224

stenographer to the commission to the five Civilized Tribes he reported the proceedings had in the above entitled cause taken at Muskogee, Indian Territory March 23, 1903, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

*Chas. Diffendaffer*

Subscribed and sworn to before me this 6th day of May 1903.

*Charles H. Sawyer*

Notary Public.

COPY.

M.C.R.7224.

Muskogee, Indian Territory, October 31, 1903.

Lou Duncan,

Ravia, Indian Territory.

Dear Madam:

You are hereby advised that on the 31st day of October, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lewis M. Harwood, et al., embracing the following applications for identification as Mississippi Choctaws:

Lewis M. Harwood,	M. C. R. 7227,
Pennsylvania Duncan, et al.,	M. C. R. 7223,
Lou Duncan, et al.,	M. C. R. 7224.

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lewis M. Harwood, Pennsylvania Duncan, Patrick Henry Duncan, Fred Duncan, John Wesley Duncan, Lou Duncan,

Elbert Duncan, William B. Duncan, Otha T. Duncan, Ida E. Duncan, Pearl T. Duncan, Harry Duncan, and Thurman Duncan, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*Tams Bixby.*  
Chairman.

Registered .

Muskegee, Indian Territory, March 10, 1904.

Leu Duncan,

Avia, Indian Territory.

Dear Madam:

The Secretary of the Interior with his letter of March 2, 1904, remanded to this Commission the record theretofore forwarded the Department in the matter of the consolidated Mississippi Choctaw case of Lewis M. Harwood, et al., of which your application is a part, with instructions that the applicants be granted an opportunity to introduce additional testimony and evidence in support of their claim.

It appears from the records in this case that the applicants claim their Choctaw descent from one Chubbee (or Chubbe), who was a resident of the old Choctaw Nation in Mississippi in 1830.

The Secretary of the Interior in his letter states:

"From the report of the Acting Commissioner of Indian Affairs, dated February 17, 1904, it appears that there were a number of persons of that name who were entitled to the benefits of article 14 of the treaty of September 27, 1830. The Acting Commissioner recommends, under the circumstances, that the case be returned to you for further investigation."

The Commission is directed to advise you that said records relating to the compliance of persons with the provisions of article 14, contain certain information, as of the year 1830,

L D 2

relative to the persons whose names appear thereon, showing:

1st. Their description.

2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road).

3rd. Their Choctaw as well as their English names.

4th. The names and number of the persons who composed their families.

5th. The names of their neighbors and immediate associates,

and that for the purpose of comparison, testimony of like character should be furnished relative to the applicants' ancestors.

The Commission requires of applicants for identification as Mississippi Choctaws that they not only show that they are possessed of Choctaw blood but that they must also show that they are the descendants of Choctaw ancestors who resided in the old Choctaw Nation in the States of Mississippi and Alabama in 1830, and that such ancestors complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830 or subsequently had their claims arising thereunder adjudicated by either of the two commissions authorized for this purpose by the Acts of Congress of March 3, 1837 and August 23, 1842.

You are further advised that the Commission is averse to the acceptance of ex parte affidavits in support of Mississippi



L D 3

Choctaw cases, and prefers, whenever possible, to have the personal appearance of witnesses for examination under oath. In the event that such witnesses are unable to make personal appearance on account of old age or infirmity or are non-residents of Indian Territory, their depositions may be considered when taken in conformity with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, a copy of which rules and regulations is herewith enclosed.

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Monday, April 11, 1904, hear the testimony of such witnesses as may present themselves in person and receive for consideration such documentary evidence as may be offered in support of this case, notice of the taking of testimony or offering of documentary evidence being first served upon Messrs. Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, South McAlester, Indian Territory.

Respectfully,

R & R Dep  
Registered

Commissioner in Charge.

M C R 7223  
M C R 7224

Muskogee, Indian Territory, March 28, 1904.

Mansfield, McMurray & Cornish,  
Attorneys for the Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

There is herewith enclosed you one copy of the decision of the Commission to the Five Civilized Tribes granting an extension of time in the matter of the applications made by Lou and Pennsylvania Duncan for the identification of themselves and minor children as Mississippi Choctaws, said applications being included in the consolidated Mississippi Choctaw case of Lewis M. Harwood, et al.

Respectfully,

Commissioner in Charge.

McM 102

M C R 7227

M C R 7223

M C R 7224 ✓

Muskogee, Indian Territory, March 23, 1904.

Mansfield, McMurray & Cornish,  
Attorneys for the Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 18th instant, requesting that you be furnished copies of the testimony of the following persons, taken in the matter of the consolidated Mississippi Choctaw case of Lewis N. Harwood, et al.: Lewis N. Harwood, Pennsylvania Duncan and Lou Duncan.

In reply you are advised that copies of such testimony are herewith enclosed.

Respectfully,

Commissioner in Charge.

McM 999

M.C.R. 7224

COPY.

Muskogee, Indian Territory, July 23, 1904.

Lou Duncan,

Ravia, Indian Territory,

Dear Madam:

You are hereby notified that on the 9th day of July, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lewis M. Harwood et al., of which decision you were advised by registered mail on the 31st day of October, 1903.

Respectfully,

SIGNED,

*T. B. Needles.*

Commissioner in Charge.

7224

No. 7224

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 28 1903

Name Lou Runcan

Age 37

Blood Don't know.

Post Office, Ravia, D.T.

Father: John Johnson d

Mother: Elizabeth " d

Claims through mother

Husband.

Wm R. Runcan, l. w

No claim for husband

Children:

Elbert Runcan. 18

~~Boat~~ ~~14~~

William B. " 14

Otha T. " M 12

Ida E " F 10

Pearl T. " 9

Harry " 4

Thurman " 1

Claims for self &

7 minors

Stenographer Chas. Clippard & Son

MISSISSIPPI CHOCTAW

Low Duncan, et al

REFUSED.

U. S. DEPARTMENT OF THE INTERIOR.

NOV 17 1903

ORDERED BY THE SECRETARY OF THE  
INTERIOR FOR FURTHER HEARING.

MAY 2 1904

RECORD FORWARDED DEPARTMENT: MAY - 4 1904

ACTION APPROVED BY  
SECRETARY OF INTERIOR.

JUL - 9 1904

NOTICE OF DEPARTMENTAL  
ACTION MAILED APPLICANT.

JUL 24 1904

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT.

JUL 24 1904

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

REFUSED.

AT TOMBIGHE

Choctaw MCR 7225

Charles S. Jones

MCR 7225

Department of the Interior  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. March 23, 1903.

--- O ---

In the matter of the application of Charles S. Jones for the identification of himself and his two minor children, Haynes O. and Rosa Jones, as Mississippi Choctaws.

A. W. Jones, attorney.

Charles S. Jones being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A Charles S. Jones.  
Q What is your age? A Twenty-seven.  
Q What is your post office address? A Isola, Mississippi.  
Q How long have you lived in Isola? A Three years.  
Q How long in Mississippi? A Twenty-seven years.  
Q Is your father living? A No, sir.  
Q Is your mother? A No, sir.  
Q What was your father's name? A Robert Jones.  
Q What was your mother's name? A Mary Jones.  
Q Through which parent do you claim your Choctaw blood? A Father.  
Q How much do you claim? A One-eighth.  
Q You say you claim one-eighth? A Three-sixteenths.  
Q How much do you claim your father had? A One-fourth.  
Q You claim three-eighths for your father? A Yes, sir.  
Q Has your father ever been recognized or enrolled as a member of the Choctaw tribe by the Choctaw tribal authorities or the United States authorities in Indian Territory? A Not that I know of.  
Q Are you married? A Yes, sir.  
Q What is your wife's name? A Ida Jones.  
Q She is living? A Yes, sir.  
Q What is her color, she is a negro? A Yes, sir.  
Q Were your parents slaves at one time? A Yes, sir very young though.  
Q Do you claim for your wife? A No, sir.  
Q How many children have you? A Two.  
Q What is the name of the eldest? A Haynes O. Jones.  
Q Age? A Five years old.  
Q The next? A Rosa Jones.  
Q How old? A She is three years old.  
Q Any others? A That is all.  
Q Do you claim for yourself and two children? A Yes, sir.  
Q Is Ida Jones your wife the mother of these children? A Yes, sir.  
Q Are you and she living together as husband and wife and are these children living with you? A Yes, sir.  
Q Have you proof of your marriage with your wife? A No, sir.  
Q When were you married to her? A In Mississippi in 1896.  
Q What day of the month? A December 3d.  
Q By a minister under a license? A Yes, sir.



- Q Is your name on any tribal roll of the Choctaw Nation in Indian Territory with any of your children? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation either by the Choctaw tribal authorities in Indian Territory or the Dawes Commission under the act of Congress of June 10, 1896? A No, sir.
- Q Is this the first application that you have ever made in the Choctaw Nation for yourself and children by any authority what ever? A Yes, sir.
- Q Do you make claim before the commission to be identified as a Mississippi Choctaw and to identify your children as Mississippi Choctaws? A I do.
- Q Do you claim under article fourteen of the treaty of 1830? A I do.
- Q Do you understand that article well enough to claim under it? A Yes, sir.

Article fourteen is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A My father was Henry Jones, his father Jack Jones, his grandfather John Jones.
- Q You claim through John Jones your great grandfather? A Yes, sir.
- Q How much Choctaw blood did he have? A Full blood.
- Q Has he ever been recognized or enrolled as a member of the Choctaw tribe of Indians? A Yes, sir.
- Q In what way was he recognized did he go before Colonel Ward the United States Indian Agent, within six months after the treaty was ratified and register or attempt to register? A I don't know.
- Q In what way was he recognized as an Indian, do you know? A No, sir.
- Q Did he live in Mississippi in 1830 and have a family living there at that time? A Yes, sir.

- Q Did he live on land for five years in Mississippi or Alabama and at the end of that time receive a patent from the government? A I don't know.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi River to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A Not that I know of.
- Q Did any of your Choctaw ancestors go at any time with the other Indians at the expense of the government between the years 1833, 1838 or 1842? A I don't know.
- Q Did any of your Choctaw ancestors own any improvement on land in the old Choctaw Nation in 1830? A I don't know.
- Q Did any of your Choctaw ancestors go before the Commission in 1837 or before the commission in 1842, which commissions were appointed under various acts of Congress and claim any rights or benefits under article fourteen of the treaty of 1830? A Not that I know of.

These commissions were appointed under various acts of Congress one in 1837 by an act approved March 3d of that year, and the other in 1842 by an act approved August 23d of that year, for the purpose of hearing Choctaw Indians who claimed that they had attempted to register under article fourteen of the treaty of 1830, but because Colonel Ward the Indian Agent would not allow them to register their lands were taken from them in the old Choctaw Nation by agents of the government and sold at its public land sales.

- Q Did any Choctaw ancestor receive any scrip from the government which entitled them to select land either in Mississippi, Alabama Louisiana or Arkansas? A I am told John Jones did.
- Q Receive scrip from the government under the act approved August 23, 1842? A Yes, sir.
- Q What is this scrip do you know, or what was it? A I don't know.
- Q Do you know whether John Jones took any land from the government by virtue of this scrip? A I don't know.
- Q Do you speak the Choctaw language? A No, sir.

This applicant will be allowed thirty days time from this date in which to introduce further proof in this case.

Case of Cornelius J. Jones M.C.R. 6831 is referred to for the purpose of consolidation.

This applicant has the appearance and physical characteristics of being descended from negro parents, doesn't understand the Choctaw language, his father and mother were slaves at one time.

---o---

Chas. Diffendaffer, being first duly sworn states that as

7225-4

stenographer to the commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause taken at Muskogee, Indian Territory, March 23, 1903, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

*Chas. Diffendaffer.*

Subscribed and sworn to before me this 6<sup>th</sup> day of May 1903.

*Charles H. Sawyer*  
Notary Public.

COPY.

M.C.R. 7225.

Muskogee, Indian Territory, October 31, 1903.

Charles S. Jones,

Isola, Mississippi,

Dear Sir:

You are hereby advised that on the 31st day of October, 1903, the Commission to the Five Civilized Tribes, rendered a decision in the consolidated case of Cornelius J. Jones, et al., embracing the following applications for identification as Mississippi Choctaws:

Cornelius J. Jones, et al.,  
Charles S. Jones, et al.,  
Harrison J. Jones,

M.C.R. 6831  
M.C.R. 7225  
M.C.R. 7226

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Cornelius J. Jones, Gertrude A. Jones, Quincella S. Jones, Charles S. Jones, Haynes O. Jones, Rosa Jones and Harrison J. Jones, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

*Tams Bixby.*  
Chairman.

Registered.

Muskogee, Indian Territory, November 25, 1903.

Charles S. Jones,  
Isola, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 16th instant, in which you ask for further time in which to offer additional evidence in support of your application for identification as a Mississippi Choctaw.

In reply you are informed that it appears from our records that on October 31, 1903, the Commission rendered a decision refusing the several applications included in the consolidated Mississippi Choctaw case of Cornelius J. Jones, et al., of which your application is a part, and on the same date the applicants were notified that they would be allowed fifteen days from the date of said decision within which to file argument in support of their claim to be forwarded to the Secretary of the Interior.

The fifteen days from October 31, 1903, expired on November 15, 1903, and on November 16, 1903, the record in said consolidated case, together with the decision of the commission refusing the several applicants, was forwarded to the Secretary of the Interior. Pending action thereon by him the Commission is without

C S J 2

authority to receive or consider any further evidence in support thereof.

Respectfully,

Chairman,



COPY!

M.C.R. 7225

Muskogee, Indian Territory, November 14, 1904.

Charles S. Jones,

Isola, Mississippi,

Dear Sir:

You are hereby notified that on the 7th day of November, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Cornelius J. Jones et al., of which decision you were advised by registered mail on the 31st day of October, 1903.

Respectfully,

(SIGNED)

RECEIVED

Chairman.



MCR 7225

COPY

Muskogee, Indian Territory, November 13, 1906.

Charles S. Jones,

Muskogee, Indian Territory.

Dear Sir :--

You are hereby notified that the Secretary of the Interior on November 1, 1906, denied the motion heretofore filed by Cornelius J. Jones under the Act of Congress approved April 26, 1906, for a re-hearing in the consolidated Mississippi Choctaw case of Cornelius J. Jones, et al.

Respectfully,

SIGNED *Walter J. Jones*  
Commissioner.

C.H.S.

~~7225~~

No.

7225

## FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 23 1903

Name Charles S. Jones.

Age 27

Blood

#8  $\frac{3}{16}$ 

Post Office, Issola, Miss.

Father:

Robert Jones d

Mother:

Mary " d

Claims through

father  $\frac{3}{8}$   
wife.Ida Jones, l. neg.  
No claim for wife.

Children:

Haynes O. Jones. 5

Rosa " 3

Claims for self &  
2 minors

Stenographer Chas. de St. John

FOR IDENTIFICATION  
A MISSISSIPPI CHOCTAW

Charles S. Jones, et

RECORDED & INDEXED DEPARTMENT.

NOV 1

NOV

1901

NOV

REFER TO M C R. 6831

Choctaw MCR 7226

Harrison J. Jones

MCR 7226

Department of the Interior  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. March 23, 1903.

---o---

In the matter of the application of Harrison J. Jones for the identification of himself as a Mississippi Choctaw.

Harrison J. Jones being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A Harrison J. Jones.  
Q What is your age? A Twenty-five.  
Q What is your post office address? A Moorhead, Mississippi.  
Q How long have you lived there? A Five years.  
Q Have you always lived in Mississippi? A Yes, sir.  
Q Is your father living? A No, sir.  
Q Is your mother living? A No, sir.  
Q What was your father's name? A Robert Jones.  
Q What was your mother's name? A Mary Jones.  
Q Through which parent do you claim Choctaw blood? A Father.  
Q How much do you claim? A Three-sixteenths.  
Q Do you claim your father was three-eighths Choctaw blood? A Yes, sir.  
Q Has your father been recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or the United States authorities in Indian Territory? A Not that I know of.  
Q You are not married? A No, sir.  
Q Is your name on any tribal roll of the Choctaw Nation in Indian Territory? A No, sir.  
Q Have you ever made application for citizenship in the Choctaw Nation either to the Choctaw tribal authorities or to the Dawes Commission under the act of Congress of June 10, 1896? A No, sir.  
Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No, sir.  
Q Do you want to be identified as a Mississippi Choctaw? A Yes, sir.  
Q Do you claim under article fourteen of the treaty of 1830? A Yes, sir.  
Q Do you understand that article? A No, sir.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September of that year. The object of this treaty on the part of the government was to remove the Choctaw Indians, with their consent, from the old Choctaw Nation east of the Mississippi River to the Choctaw Nation Indian Territory. That consent was obtained when that

signed the treaty of 1830. But a great many Indians refused to go with the other Indians and for their benefit article fourteen was put into the treaty of 1830.

That article is as follos:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article? A No, sir, but I have been informed that my great great grandfather.
- Q What was his name? A John Jones.
- Q How did he comply with it do you know? A No, sir.
- Q How much Choctaw blood did he have? A Whole Choctaw, full blood.
- Q Do you know whether any of your Choctaw ancestors, John Jones, or any other lived in the old Choctaw Nation either in Mississippi or Alabama in 1830 and was the head of a family at that time? A Yes, sir Jack Jones.
- Q Who is Jack Jones? A He is son of John Jones.
- Q And who do you claim through that was descended from Jack Jones? A Henry Jones.
- Q And Henry Jones is the father of Robert? A Yes, sir.
- Q Now which of these ancestors whose names you have given, from John Jones down, to you claim lived in Mississippi and was head of a family there then, was it John or Jack, or both of them or who? A All I guess my father was living at that time?
- Q In 1830 seventy-three years ago? A John Jones.
- Q Do you know whether Jack Jones lived there then? A I don't know.
- Q Did Henry his son? A I don't know.
- Q Did Robert Jones his son, your father? A I don't know.
- Q Now did any of your Choctaw ancestors live on land in that old Choctaw Nation either in Mississippi or Alabama for a period of five years after the treaty was ratified and at the end of that time receive a patent from the government? A Not that I know of.
- Q Did any of your Choctaw ancestors go to Colonel Ward within six months after the treaty was ratified and register or attempt to register under article fourteen? A Yes, sir.

- Q Who did John Jones? A Yes, sir.  
 Q Was he successful? A Not that I know of.  
 Q Were any of your people slaves at any time? A Yes, sir.  
 Q Do you know whether Henry Jones was? A No, sir I don't know.  
 Q Was Jack? A Not as I know of.  
 Q Was John Jones? A Not as I know of.  
 Q Did any of your Choctaw ancestors go from the old Choctaw Nation east of the Mississippi River to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A Not as I know of.  
 Q Or did any go between the years 1833 and 1838 with the other Indians at the expense of the government? A Not that I know of.  
 Q Did any of your Choctaw ancestors own any improvement on land in the old Choctaw Nation in 1830? A I don't know.  
 Q Did any Choctaw ancestor go before a commission in 1837 or a commission in 1842 and claim any benefits under article fourteen of the treaty of 1830? A I was informed that John Jones did.  
 Q What makes you think John Jones went before either of these commissions; do you know anything about that? A No, sir.

These commissions were appointed one in 1837 by an act of Congress approved March 3d of that year and the other in 1842 by an act approved August 23d of that year, for the purpose of hearing Choctaw Indians who tried to register under article fourteen of the treaty of 1830 within six months from the ratification of the treaty but were refused by Colonel Ward, the United States Indian Agent, and because they were prevented from doing this their lands were taken from them by the government and sold at its public land sales.

- Q Did any of your ancestors receive any scrip from the government which entitled them to select land in Mississippi, Louisiana, Alabama or Arkansas? A I don't know.

This scrip was issued under an act of Congress approved August 23, 1842 and was given to Choctaw Indians who proved their right under article fourteen and also further proved that their land had been taken from them in the old Choctaw Nation and sold at its public land sales.

- Q Do you understand or speak the Choctaw language? A No, sir.

Case of Cornelius A. Jones, M.C.R. 6831 is referred to for the purpose of consolidation.

Thirty days time is allowed this applicant from this date in which to introduce further proof in this case.

- Q Have you any other evidence that you want to present? A No, sir

This applicant has the appearance of being descended from Negro parentage, doesn't understand the Choctaw language his

7226-4

parents were slaves at one time.

---o---

Chas. Diffendaffer, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause taken at Muskogee, Indian Territory, March 23, 1903, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

*Chas. Diffendaffer*

Subscribed and sworn to before me this 5<sup>th</sup> day of May 1903.

*Charles H. Sawyer*  
Notary Public.



COPY:

M.C.R. 7226

Muskogee, Indian Territory, October 31, 1903.

Harrison J. Jones,

Moorhead, Mississippi,

Dear Sir:

You are hereby advised that on the 31st day of October, 1903, the Commission to the Five Civilized Tribes, rendered a decision in the consolidated case of Cornelius J. Jones, et al., embracing the following applications for identification as Mississippi Choctaws:

Cornelius J. Jones, et al.,

M.C.R. 6931

Charles S. Jones, et al.,

M.C.R. 7225

Harrison J. Jones,

M.C.R. 7226

These applications were made under the provision of the act of Congress of June 23, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

H. J. J. - 2

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Cornelius J. Jones, Gertrude A. Jones, Quinceella S. Jones, Charles S. Jones, Haynes O. Jones, Rosa Jones and Harrison J. Jones, as Cheotaw Indians entitled to rights in the Cheotaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

*Tams Bixby.*  
Chairman.

Registered.

M.C.R. 7226

COPY.

Muskogee, Indian Territory, November 14, 1904.

Harrison J. Jones,

Muskogee, Indian Territory,

Dear Sir:

~~You are hereby notified that on the 7th day of November,~~ 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Cornelius J. Jones et al., of which decision you were advised by registered mail on the 31st day of October, 1903.

Respectfully,

SIGNED

REFUSED

Chairman.

( C O P Y )

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON.

Land  
78585-1904.  
63646-1904.

October 11, 1906.

The Honorable,

The Secretary of the Interior.

Sir:--

Referring to Departmental letter of November 17, 1904, (I.T.D. 11222-1904), I have the honor to transmit herewith the motion of Cornelius J. Jones, one of the applicants in the consolidated Mississippi Choctaw case of Cornelius J. Jones, et al., requesting the reopening and readjudication of his application alone. The record in the case is also included.

Very respectfully,

C. F. Larrabee.

Acting Commissioner.

KEM-KEN.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

J.P.  
FHE.

D.C. 48516-06.  
I.T.D. 20556-1906.  
I.R.S.

November 1, 1906.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

The motion for rehearing, by Cornelius J. Jones, one of the applicants in the consolidated Mississippi Chectaw case of Cornelius J. Jones, et al., received with your letter of July 23, 1906, is denied, as it presents no question of law or fact not considered by the Department at the time of its decision of November 7, 1904, affirming the decision of the Commissioner to the Five Civilized Tribes adverse to the applicants.

A copy of Indian Office letter of October 11, 1906 (Land 63646), submitting your report, is inclosed. The motion and other papers have been sent to the Indian Office for its files.

Respectfully,

(Signed) E. A. Hitchcock.

Secretary.

Through the Commissioner  
of Indian Affairs.

1 inc. and 7 to Ind. Of.

MCR 7226

COPY

Muskogee, Indian Territory, November 13, 1906.

Harrison J. Jones,

Muskogee, Indian Territory.

Dear Sir :--

You are hereby notified that the Secretary of the Interior on November 1, 1906, denied the motion for re-hearing heretofore filed by Cornelius J. Jones under the Act of Congress approved April 26, 1906, for a re-hearing in the consolidated Mississippi Choctaw case of Cornelius J. Jones, et al.

Respectfully,

SIGNED *John H. Smith*  
Commissioner.

h

CA

No. 7226

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

MAR 28 1903

Date

Name Harrison J. Jones

Age 25 Blood 3/16

Post Office, Moorhead, Miss

Father: Robert Jones. d

Mother: Mary " d

Claims through father  $\frac{3}{8}$  -

Children:

claims for self alone.

Stenographer Ches. Leppard offer:

MISSISSIPPI CHOOTAW

Harrison J. Jones

RECEIVED

RECEIVED DEPARTMENT.

1901

SECTION A

7

REFER TO M. C. R. 6831

P. C. Jones



Choctaw MCR 7227

Lewis M. Harwood

See MCR 7223, 7224

MCR 7227

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-000-

In the matter of the application of Lewis M. Harwood, et al.,  
for identification as Mississippi Choctaws, consolidating the ap-  
plications of:

Lewis M. Harwood,	M.C.R. 7227
Pennsylvania Duncan, et al.,	M.C.R. 7223
Lou Duncan, et al.,	M.C.R. 7224

List of papers forwarded to the Secretary of the Interior  
comprising the record in the above consolidated case.

	(Page)
Original application of Louis M. Harwood, to the Dawes Commission for identification as a Mississippi Choctaw-----	1
Original application of Pennsylvania Duncan, et al., to the Dawes Commission for identifica- tion as Mississippi Choctaws-----	5
Original application of Lou Duncan, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	8
Testimony of John Chubbe-----	12
Decision of the Commission refusing the applications in the consolidated case of Lewis M. Harwood, et al., for identifica- tion as Mississippi Choctaws-----	15

-000-

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

M C R 7227

-----oOo-----

In the matter of the consolidated Mississippi Choctaw case of Lewis M. Harwood, et al., of which the applications made by Lou Duncan and Pennsylvania for the identification of themselves and their minor children as Mississippi Choctaws are a part, M C R 7223 and 7224.

Comes now Lou Duncan and Pennsylvania Duncan and file their motion for a continuance in the matter of the above entitled cause until Wednesday, April 27th, 1904, in order that they may introduce additional testimony and evidence in support of their claim, and, after a consideration of said motion, it is the opinion of this Commission that the same should be granted, and it is so ordered. And, further, that said Lou Duncan and Pennsylvania Duncan be advised of the action of the Commission and that they be allowed until Wednesday, April 27th, 1904, to introduce further testimony and evidence in support of the above entitled cause.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

*T. B. Needles.*

Commissioner in Charge.

Muskogee, Indian Territory,

MAR 26 1904

Department of the Interior  
Commission to the Five Civilized Tribes  
Muskogee, I.T. March 23, 1903.

---0---

In the matter of the application of Lewis M. Harwood for the identification of himself as a Mississippi Choctaw.

Robert Toomer attorney.

Lewis M. Harwood being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A Lewis M. Harwood.  
Q What is your age? A Fifty years old.  
Q What is your post office address? A Ravia, Indian Territory.  
Q How long have you lived in Ravia? A About a month.  
Q Where were you born? A Mississippi, Jasper county. in '53 and went from there to Arkansas, stayed there until 1874, been in the territory ever since.  
Q Is your father living? A No, sir.  
Q Is your mother living? A Mother is dead.  
Q What is your father's name? A Thomas J. Harwood.  
Q What was your mother's name? A Matilda Chubbs  
Q Do you claim through your mother? A Yes, sir.  
Q How much Choctaw blood do you claim? A I don't know, can't tell.  
Q Has your mother been recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or the United States authorities in Indian Territory? A She told me she was.  
Q Enrolled in the Indian Territory? A No, sir.  
Q Is your wife living? A No, sir, been dead eighteen years.  
Q What was her name? A Sarah Ann.  
Q She is dead? A Yes, sir.  
Q She was a white woman? A Yes, sir.  
Q And you have children grown or married I suppose? A I have one.  
Q But have you any children under twenty-one and unmarried? A No, sir.  
Q You claim for yourself alone? A Yes, sir.  
Q Is your name on any tribal roll of the Choctaw Nation in Indian Territory? A No, sir.  
Q Have you ever made application for citizenship in the Choctaw Nation either to the Choctaw tribal authorities in Indian Territory or to the Dawes Commission under the act of Congress of June 10, 1896? A No, sir, never did.  
Q Have you ever been admitted to citizenship in the Choctaw Nation by any authority whatever up to the present time? A No, sir.  
Q This is your first application for citizenship in the Choctaw Nation? A Yes, sir.  
Q Do you want to be identified under article four teen of the treaty of 1830? A Yes, sir.

Article fourteen is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you understand that article well enough to claim under it? A Yes, sir.
- Q What is the name of your ancestor that you claim through now? A Chubbe.
- Q What relation is Pennsylvania Duncan to you? A She is my own sister.
- Q What relation is Lou Duncan to you? A She is my cousin.
- Q They have both made application to be identified as Mississippi Choctaws today have they not? A Yes, sir.
- Q Do you want your case considered under the application of your sister? A Yes, sir.

The case of Pennsylvania Duncan is referred to for the purpose of consolidation, M.C.R. 7223.

- Q What relation was Chubbe to you? A My grandmother.
- Q This Chubbe that you claim through was your grandmother? A Yes, sir.
- Q Well how is your grandmother Chubbe, that you claim through, related to the Chubbe your sister Pennsylvania Duncan claims through and she says was her grandfather? Your sister claims through her grandfather? A I don't know myself.
- Q Now which do you think is right, do you think your sister Pennsylvania Duncan is right or do you think you are right? A Well-
- Q Well do you claim through both grandfather and grandmother? A Grandmother is what they always told me.
- Q Do you know anything about your grandfather Chubbe? A No, sir, I don't know.
- Q Well your sister claims through her grandfather Chubbe, Lou Duncan claims through her grandfather Chubbe and you claim through your grandmother Chubbe? A I believe I was too fast about that.
- Q Can you straighten that out? A I always thought it was my grandmother.

You will be allowed thirty days time in which to introduce

evidence in support of this application so that if you find evidence later on this point you can introduce it.

- Q Do you know whether both your grandfather and grandmother were Choctaws? A No, sir I don't know.
- Q How much Choctaw blood did your grandmother have? A They told me she was one-half breed.
- Q Did she live in Mississippi in 1830 and have a family there then? I suppose she did I couldn't tell you.
- Q Did she live on land for five years in the old Choctaw Nation and at the end of that time get a patent from the government under article fourteen of the treaty of 1830? A I don't know whether whether she got a patent or not.
- Q Did she live on land in the old Choctaw Nation? A Yes, sir.
- Q Did she claim it? A I don't know.
- Q Did she buy it? A I don't know, she registered so they told me.
- Q Did she register under article fourteen by going to Colonel Ward ~~within six months after the treaty was ratified~~ and telling him she wanted to take land there and stay there? A I don't know.
- Q Did she go from the old Choctaw Nation east of the Mississippi River to the Choctaw Nation Indian Territory with the other Indians between the years 1833, 1838 or 1840? A No, sir.
- Q Did she own any improvement on land in the old Choctaw Nation in 1830? A I couldn't tell you.
- Q Did she go before a commission in 1837 or a commission in 1842 and claim any rights under article fourteen of the treaty of 1830? A That is what they told me she did.
- Q Which commission? A I couldn't tell you now.

These Commissions were appointed under various acts of Congress one in 1837 by an act approved March 3d of that year and the other in 1842 by an act approved August 23d of that year, in order to hear the complaints of Choctaw Indians who attempted to register under article fourteen of the treaty of 1830 but were refused by Colonel Ward, the United States Indian agent, and because they were not allowed to register these Indians had their lands taken from them and sold by the government?

- Q You say that she did go before either of these commissions? A I don't know.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi, Louisiana, Alabama or Arkansas? A Not that I know of.

This scrip was issued under an act of Congress approved August 23, 1842 and was given to those Choctaw Indians who proved their right under article fourteen of the treaty of 1830 and also proved their right land in the old Choctaw Nation had been taken from them and sold by the government at its public land sales.

- Q Do you speak Choctaw? A No, sir.
- Q You don't understand that? A Not much.

This applicant has the appearance and physical characteristics of being descended from white parentage brown hair and whiskers, light brown mustache, blue eyes, has no knowledge of



7227-4

the Choctaw language.

---o---

Chas. Diffendaffer, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause taken at Muskogee, Indian Territory March 23, 1903, and that the foregoing is a full true and correct transcript of his stenographic notes taken in said cause on said date.

*Chas. Diffendaffer*

subscribed and sworn to before me this 5<sup>th</sup> day of May 1903.

*Charles H. Sawyer*  
Notary Public.

129  
COPY.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---0---

In the matter of the application of Lewis M. Harwood, et al.,  
for identification as Mississippi Choctaws, consolidating the ap-  
plications of:

Lewis M. Harwood,	M.C.R. 7227
Pennsylvania Duncan, et al.,	M.C.R. 7223
Lou Duncan, et al.,	M.C.R. 7224

---: D E C I S I O N :---

It appears from the record herein that applications for  
identification as Mississippi Choctaws were made to this Commission  
by Lewis M. Harwood for himself; by Pennsylvania Duncan for her-  
self and her three minor children, Patrick Henry, Fred and John  
Wesley Duncan;.. and by Lou Duncan for herself and her seven minor  
children, Elbert, William B., Otha T., Ida E., Pearl T., Perry and  
Thurman Duncan, under the following provision of the act of Congress  
approved June 28, 1898 (30 Stats., 498):

"Said Commission shall have authority to determine the  
identity of Choctaw Indians claiming rights in the Choctaw  
lands under article fourteen of the Treaty between the United  
States and the Choctaw Nation, concluded September twenty-  
seventh, eighteen hundred and thirty, and to that end may ad-  
minister oaths, examine witnesses, and perform all other acts  
necessary thereto and make report to the Secretary of the In-  
terior."



It also appears that the principal applicant herein claims rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being a descendant of his grand-father, Chubbee, who is alleged to have been an one-half blood Choctaw Indian; and that all the other applicants herein claim said rights by reason of being descendants of their grand-mother, Chubbee (or Chubbe), who is alleged to have been a Choctaw Indian, degree of blood not stated, and both of whom are alleged to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It is found that the name Chubbee appears on pages 145, 396, 627, 778, and 779 of Volume I, Claimant's Brief and Evidence in the case of the Choctaw Nation vs. United States before the Court of Claims No. 12742, and also on page 929 of Volume II of said record in a number of lists, schedules and depositions relating to claims arising under article fourteen of the treaty of eighteen hundred and thirty; but it does not appear from the evidence submitted by the several applicants herein that either of the ancestors

through whom they claim, is the identical Chubbee whose name appears in the record above cited. It is further found that the name Chubbee appears on page 95 of Volume VII, American State Papers, Public Lands, in a list of names of Choctaw Indians, heads of families, who resided in Greenwood Leflore's district in the territory occupied by the Choctaw Indians in the States of Mississippi and Alabama at the date of the making of the treaty of "Dancing Rabbit Creek", and had lands in cultivation, in exchange for which they were to receive stipulated tracts of land in accordance with the provisions of the nineteenth article of said treaty. The record above referred to in no way relates to article fourteen of the treaty of eighteen hundred and thirty, or shows a compliance or attempted compliance on the part of the person therein named with its provisions.

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Chubbe, or Chubbee (or Chubbe), through whom these applicants claim, or ancestors less remote signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 515).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lewis

M. Harwood, Pennsylvania Duncan, Patrick Henry Duncan, Fred Duncan, John Wesley Duncan, Lou Duncan, Elbert Duncan, William B. Duncan, Otha T. Duncan, Ida E. Duncan, Pearl T. Duncan, Harry Duncan, and Thurman Duncan, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

*Tams Bixby.*

Chairman.

(SIGNED)

*T. B. Needles.*

COMMISSIONER.

(SIGNED)

*C. R. Breckinridge.*

COMMISSIONER.

(SIGNED)

*W. E. Stanley.*

COMMISSIONER.

Muskogee, Indian Territory,

OCT 31 1903

M.C.R. 7227.

COPY.

Muskogee, Indian Territory, October 31, 1903.

Lewis M. Harwood,

Ravia, Indian Territory.

Dear Sir:

You are hereby advised that on the 31st day of October, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lewis M. Harwood, et al., embracing the following applications for identification as Mississippi Choctaws:

Lewis M. Harwood,	M. C. R. 7227,
Pennsylvania Duncan, et al.,	M. C. R. 7223,
Lou Duncan, et al.,	M. C. R. 7224.

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the idem-

tity of Lewis M. Harwood, Pennsylvania Duncan, Patrick Henry Duncan, Fred Duncan, John Wesley Duncan, Lou Duncan, Elbert Duncan, William B. Duncan, Otha T. Duncan, Ida E. Duncan, Pearl T. Duncan, Harry Duncan and Thurman Duncan, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*Tama Bixby.*  
Chairman.

Registered.

M.C.R. 7227.

COPY:

Muskogee, Indian Territory, October 31, 1903.

Robert Teemer,

Attorney-at-Law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 31st day of October, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lewis M. Harwood, et al., embracing the following applications for identification as Mississippi Choctaws:

Lewis M. Harwood,	M. C. R. 7227,
Pennsylvania Duncan, et al.,	M. C. R. 7223,
Lou Duncan, et al.,	M. C. R. 7224.

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lewis M. Harwood, Pennsylvania Duncan, Patrick Henry Duncan, Fred Dundan, John Wesley Duncan, Lou Duncan, Elbert Duncan, William B. Duncan, Otha T. Duncan, Ida E. Duncan, Pearl T. Duncan, Harry Duncan and Thurman Duncan, as Cheotaw Indians entitled to rights in the Cheotaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*Tams Bixby.*  
Chairman.

Registered.



6  
M.C.R. 7227.

Muskogee, Indian Territory, October 31, 1903.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,  
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that on the 31st day of October, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lewis M. Harwood, et al., embracing the following applications for identification as Mississippi Choctaws:

Lewis M. Harwood,	M. C. R. 7227,
Pennsylvania Duncan, et al.,	M. C. R. 7223,
Lou Duncan, et al.,	M. C. R. 7224.

These applications were made under the provision of the act of Congress of June 28, 1896 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lewis M. Harwood, Pennsylvania Duncan, Patrick Henry Duncan, Fred Duncan, John Wesley Duncan, Lou Duncan, Elbert Duncan, William B. Duncan, Otha T. Duncan, Ida E. Duncan, Pearl T. Duncan, Harry Duncan and Thurman Duncan as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."



M., MoM. & C.--2.

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*Tams Bixby.*  
Chairman.

COPY:

Muskogee, Indian Territory, November 16, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Lewis M. Harwood, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 31, 1903.

The above consolidated case embraces the following original applications heard by the Commission:

Lewis M. Harwood,	M.C.R. 7227
Pennsylvania Duncan, et al.,	M.C.R. 7223
Lou Duncan, et al.,	M.C.R. 7224.

The Commission has the honor to report that the principal applicants in the several separate applications, their attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED)

*Tamie Birby.*  
Chairman.

Through the  
Commissioner of Indian Affairs.

2 Enc. MCR 7227.

C O P Y

Refer in reply to the  
following:

Land.  
75385-1903.

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs,  
Washington,

February 17, 1904.

C O P Y.

The Honorable,

The Secretary of the Interior.

Sir:

There is inclosed herewith for your consideration the record of the proceedings had before the Commission to the Five Civilized Tribes in the matter of the consolidated application for identification as Mississippi Choctaws of the following parties: Lewis M. Harwood for himself; by Pennsylvania Duncan for herself and her three minor children, Patrick Henry, Fred, and John Wesley Duncan; by Lou Duncan for herself and her seven minor children, Elbert, William B., Otha T., Ida B., Pearl T., Perry, and Thurman Duncan, wherein a decision adverse to the applicants was rendered by the Commission October 31, 1903.

The testimony in this case shows that the applicants base their claim to identification on their descent from one Chubbee or Chubbe, who it is alleged was a Choctaw Indian and a resident of Mississippi or Alabama at the date of the making of the treaty of 1830. The Commission rejected the applicants because they deemed the evidence herein insufficient to identify this Chubbee or Chubbe, claimed under by them, with the party of like name whose name appears on their records as follows:

"It is found that the name Chubbee appears on pages 145, 396, 627, 778, and 779 of Volume 1, Claimants' Brief and Evidence in the case of the Choctaw Nation vs. United States, before the Court of Claims, No. 12742, and also on page 929 of Volume 2 of said records in a number of lists, schedules, and depositions relating to the claims arising under article 14 of the treaty of 1830.

"It is further found that the name Chubbee appears on page 95 of Volume 7 American State Papers Public Lands in a list of names of Choctaw Indians, heads of families, who reside in Greenwood Leflore's district, in the territory occupied by the Choctaw Indians in the States of Mississippi and Alabama at the date of the making of the treaty of Dancing Rabbit Creek, and had lands in cultivation, in exchange for which they were to receive stipulated tracts of land in accordance with the provisions of the 19th article of said treaty."

The Commission give as an additional reason for rejection that the applicants have never been enrolled as citizens of the Choctaw Nation. An examination of the records of this office has been made with reference to the name of Chubbee or Chubbe, and it is discovered that the name of Chubbee appears as the child under ten of ah-be-chunk-tah who received scrip under the provisions of the 14th article. The name Chubbee also appears as the deceased child of Bush-pah-ho-mah, an applicant for scrip who was rejected. It is found from an examination of the records that the records of the Commission above mentioned are correct.

In view of what the records of this office show in reference to the name of Chubbee, it is respectfully recommended that this case be remanded to the Commission with the instructions that the applicants be allowed further opportunity in which to furnish evidence, submit affidavits or other properly authenticated

-3-

papers in support of this application, showing what connection there be, if any, between this Chubbee or Chubbe, under whom they claim, with the Chubbee that appears on the records of this office as above set forth.

---

Very respectfully,

A. C. Tonner,

Acting Commissioner.

CTC:LKS

Inclosures.

MOR 7227

C O P Y

J.W.H.

D E P A R T M E N T   O F   T H E   I N T E R I O R .

I.T.D. 1396-1904.      W a s h i n g t o n .

THE

L R S

March 2, 1904.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

November 16, 1903, you transmitted the record in the consolidated case of Lewis M. Harwood, et al., applicants for identification as Mississippi Choctaws, with your decision of October 31, 1903, refusing to identify them as such.

These applicants are the descendants of a Choctaw named Chubbee (or Chubbe), who was a resident of the old Choctaw Nation in Mississippi in 1830.

From the report of the Acting Commissioner of Indian Affairs, dated February 17, 1904, it appears that there were a number of persons of that name who were entitled to the benefits of article 14 of the treaty of September 27, 1830. The Acting Commissioner recommends, under the circumstances, that the case be returned to you for further investigation.

Following the practice in such cases, the record in the case is herewith returned to you for further proceedings, in accordance with the instructions, so far as they are applicable, contained in departmental letter of April 2, 1903, relative to the Mississippi Choctaw case of Harriet Adkins.

A copy of the Acting Commissioner's letter is inclosed.

2 inclosures.

Respectfully,

THOS. RYAN,

Acting Secretary.

Muskogee, Indian Territory, March 10, 1904.

Lewis M. Harwood,

Ravia, Indian Territory.

Dear Sir:

The Secretary of the Interior with his letter of March 2, 1904, remanded to this Commission the record theretofore forwarded the Department in the matter of the consolidated Mississippi Choctaw case of Lewis M. Harwood, et al., with instructions that the applicants be granted an opportunity to introduce additional testimony and evidence in support of their claim.

It appears from the record in this case that the applicants claim their Choctaw descent from one Chubbee (or Chubbe), who was a resident of the old Choctaw Nation in Mississippi in 1830.

The Secretary of the Interior in his letter states:

"From the report of the Acting Commissioner of Indian Affairs, dated February 17, 1904, it appears that there were a number of persons of that name who were entitled to the benefits of article 14 of the treaty of September 27, 1830. The Acting Commissioner recommends, under the circumstances, that the case be returned to you for further investigation."

The Commission is directed to advise you that said records relating to the compliance of persons with the provisions of article 14, contain certain information, as of the year 1830, relative to the persons whose names appear thereon, showing:

L M H 2

1st. Their description.

2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road).

3rd. Their Choctaw as well as their English names.

4th. The names and number of the persons who composed their families.

5th. The names of their neighbors and immediate associates,

and that for the purpose of comparison, testimony of like character should be furnished relative to the applicants' ancestors.

The Commission requires of applicants for identification as Mississippi Choctaws that they not only show that they are possessed of Choctaw blood, but that they must also show that they are descendants of Choctaw ancestors who resided in the old Choctaw Nation in the States of Mississippi and Alabama in 1830, and that such ancestors complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830, or subsequently had their claims arising thereunder adjudicated by either of the two commissions authorized for this purpose by the Acts of Congress of March 3, 1837 and August 23, 1842.

The Commission is averse to the acceptance of ex parte affidavits in support of Mississippi Choctaw cases, and prefers,



L M H 3

whenever possible, to have the personal appearance of witnesses for examination under oath. In the event that such witnesses are unable to make personal appearance on account of old age or infirmity or are non-residents of Indian Territory, their depositions may be considered when taken in conformity with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, a copy of which rules and regulations is herewith enclosed.

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Monday, April 11, 1904, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of this case, notice of the taking of testimony or offering of documentary evidence being first served upon Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, South McAlester, Indian Territory.

Respectfully,

R & R Dep  
Registered

Commissioner in Charge.

Muskogee, Indian Territory, March 10, 1904.

Robert Toomer,  
Attorney at Law,  
Muskogee, Indian Territory.

Dear Sir:

The Secretary of the Interior with his letter of March 2, 1904, remanded to this Commission the record theretofore forwarded the Department in the matter of the consolidated Mississippi Choctaw case of Lewis M. Harwood, et al., with instructions that the applicants be granted an opportunity to introduce additional testimony and evidence in support of their claim.

It appears from the record in this case that the applicants claim their Choctaw descent from one Chubbee (or Chubbe), who was a resident of the old Choctaw Nation in Mississippi in 1830.

The Secretary of the Interior in his letter states:

"From the report of the Acting Commissioner of Indian Affairs, dated February 17, 1904, it appears that there were a number of persons of that name who were entitled to the benefits of article 14 of the treaty of September 27, 1830. The Acting Commissioner recommends, under the circumstances, that the case be returned to you for further investigation."

The Commission is directed to advise you that said records relating to the compliance of persons with the provisions of article 14, contain certain information, as of the year 1830,

R T 2

relative to the persons whose names appear thereon, showing:

1st. Their description.

2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road).

3rd. Their Choctaw as well as their English names.

4th. The names and number of the persons who composed their families.

5th. The names of their neighbors and immediate associates.

and that for the purpose of comparison, testimony of like character should be furnished relative to the applicants' ancestors.

The Commission requires of applicants for identification as Mississippi Choctaws that they not only show that they are possessed of Choctaw blood but that they must also show that they are the descendants of Choctaw ancestors who resided in the old Choctaw Nation in the States of Mississippi and Alabama in 1830, and that such ancestors complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830 or subsequently had their claims arising thereunder adjudicated by either of the two commissions authorized for this purpose by the Acts of Congress of March 3, 1837 and August 23, 1842.

You are further advised that the Commission is averse to the acceptance of ex parte affidavits in support of Mississippi

R T 3

Choctaw cases, and prefers, whenever possible, to have the personal appearance of witnesses for examination under oath. In the event that such witnesses are unable to make personal appearance on account of old age or infirmity or are non-residents of Indian Territory, their depositions may be considered when taken in conformity with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, a copy of which rules and regulations is herewith enclosed.

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Monday, April 11, 1904, hear the testimony of such witnesses as may present themselves in person and receive for consideration such documentary evidence as may be offered in support of this case, notice of the taking of testimony or offering of documentary evidence being first served upon Messrs. Mansfield, McKurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, South McAlester, Indian Territory.

Respectfully,

Commissioner in Charge.

R & R Dep  
Registered

Muskogee, Indian Territory, March 10, 1904.

Mansfield, McMurray & Cernish,  
Attorneys for the Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

The Secretary of the Interior with his letter of March 2, 1904, remanded to this Commission the record theretofore forwarded the Department in the matter of the consolidated Mississippi Choctaw case of Lewis M. Harwood, et al., with instructions that the applicants be granted an opportunity to introduce additional testimony and evidence in support of their claim.

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Monday, April 11, 1904, hear the testimony of such witnesses as may present themselves in person and receive for consideration such documentary evidence as may be offered in support of this case, notice of the taking of testimony or offering of documentary evidence being first served upon you.

Respectfully,

Commissioner in Charge.

M C R 7227 ✓  
M C R 7223  
M C R 7224

Muskogee, Indian Territory, March 23, 1904.

Mansfield, McMurray & Cornish,  
Attorneys for the Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 18th instant, requesting that you be furnished copies of the testimony of the following persons, taken in the matter of the consolidated Mississippi Choctaw case of Lewis E. Harwood, et al.: Lewis E. Harwood, Pennsylvania Duncan and Len Duncan.

In reply you are advised that copies of such testimony are herewith enclosed.

Respectfully,

Commissioner in Charge.

McM 999

H.C.R. 7227.

Muskogee, Indian Territory, May 5, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

On November 16, 1903, the Commission transmitted to the Department the record in the consolidated Mississippi Choctaw case of Lewis M. Harwood, et al., together with its decision of October 31, 1903, refusing the applications of the several persons included therein for identification as Mississippi Choctaws.

The Department, with its letter of March 2, 1904, (I.T.D. 1396-1904) returned the record theretofore forwarded the Department with instructions that the applicants be granted further opportunity to introduce additional testimony in support of their claim.

In accordance with such instructions the several parties in interest were on March 10, 1904, notified that they would be allowed up to and inclusive of Monday, April 11, 1904, to introduce additional testimony and evidence in said case.

On March 26, 1904, Lou Duncan and Pennsylvania Duncan filed with this Commission their joint motion for a continuance in the

Secretary 2.

consolidated Mississippi Choctaw case of Lewis M. Harwood, et al.  
for fifteen days from April 11, 1904, which said motion was granted.

No appearance having been entered by or on behalf of the applicants and no additional testimony having been offered by them, the original record in said consolidated case, together with copies of notices furnished the applicants, their attorney of record and the attorneys for the Choctaw and Chickasaw Nations and a copy of the motion with the decision of the Commission granting same is therefore herewith transmitted.

Respectfully,

Through the  
Commissioner of Indian Affairs.

Commissioner in Charge.

JYM-36.



M.C.R. 7227

COPY.

Muskogee, Indian Territory, July 23, 1904.

Lewis M. Harwood,

Ravia, Indian Territory,

Dear Sir:

You are hereby notified that on the 9th day of July, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lewis M. Harwood et al., of which decision you were advised by registered mail on the 31st day of October, 1903.

Respectfully,

(SIGNED)

*T. B. Needles.*

Commissioner in Charge.

M.C.R. 7227

COPY.

Muskogee, Indian Territory, July 23, 1904..

Robert Toomer,

Attorney at Law,

Muskogee, Indian Territory,

Dear Sir:

You are hereby notified that on the 9th day of July, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lewis M. Harwood et al., of which decision you were advised by registered mail on the 31st day of October, 1903.

Respectfully,

(SIGNED)

*I. B. Needles.*

Commissioner in Charge.

M.C.R. 7227

COPY.

Muskogee, Indian Territory, July 23, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby notified that the Secretary of the Interior, on July 9, 1904, affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lewis M. Harwood et al., of which decision you were advised by mail on the 31st day of October, 1903.

Respectfully,

(SIGNED)

*T. B. Needles.*

Commissioner in Charge.

(COPY)

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS

Land.

WASHINGTON

July 5, 1904.

31083-1904.

The Honorable,

The Secretary of the Interior.

Sir:-

I have the honor to enclose herewith a report from the Commission to the Five Civilized Tribes dated May 5, 1904, transmitting the remanded record of the consolidated applications of Lewis M. Harwood for himself; of Penmylvania Duncan for herself and her three minor children, Patrick Henry, Fred and John Wesley Duncan; and of Lou Duncan for herself and her seven minor children, Elbert, William E., Otha T., Pearl T., Perry and Thurman Duncan for identification as Mississippi Choctaws. October 31, 1903, the Commission decided adversely to the applicants.

March 2, 1904, the Department remanded the case to the Commission to allow the applicants further opportunity to introduce additional testimony in their applications.

March 10, 1904, the Commission notified the several persons in interest that they would be allowed up to and in-

cluding April 11, 1904, to introduce additional testimony.

May 5, 1904, the Commission returned the record reporting that on March 26, 1904, Lou Duncan and Pennsylvania Duncan filed their joint motion for continuance in the case for fifteen days from April 11, 1904, which was granted.

It appears that no additional testimony has been filed by any of the applicants.

The original record in this case did not satisfactorily show the descent of the applicants from a beneficiary under the 14th article of the treaty of Dancing Rabbit Creek but it being claimed that were descended from one Chubbee or Chubbe who it is alleged was a Choctaw Indian and there having been a beneficiary under the 14th article of Dancing Rabbit Creek of the name of Chubbee, the case was remanded in order that satisfactory proof might be presented of their descent from that Chubbee, if such were the fact.

The applicants having failed to, take advantage of this additional opportunity to establish their case by competent testimony, I recommend that the original decision of the Commission rejecting them be approved.

Very Respectfully,

A C Tonner.

Acting Commissioner.

MM

C

(COPY)

DEPARTMENT OF THE INTERIOR

W.C.F.  
THE

WASHINGTON

DC  
24236-1904.

July 9, 1904.

I.T.D. 5494-1904.

L.R.S.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory,

Gentlemen:

On November 16, 1903, you transmitted the record in the consolidated Mississippi Choctaw case of Lewis M. Harwood, et al (M.C.R. 7227), including your decision of October 31, 1903, rejecting the applicants.

March 2, 1904, the Department returned the record, with instructions that the applicants be granted further opportunity to introduce further testimony in support of their claims.

It appears that on March 10, 1904, you notified the applicants that they would be allowed thirty days within which to introduce additional testimony in said case; that on March 26, 1904, a motion was filed with your Commission for <sup>a</sup>continuance of said case of fifteen days from April 11, 1904, which motion was granted. You state that no further appearance has been entered by or on behalf of the applicants and no additional testimony offered by them.



Reporting July 5, 1904, the Acting Commissioner of Indian Affairs Recommends that your decision rejecting the applicants be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

Thos. Ryan.

Acting Secretary.

1 inclosure.

7227

Lewis M. Harwood, clal

Constitutional



7229

<sup>1</sup> Lewis M. Harwood, 50

wife

Matilda Chubb 7

Sarah Ann Harwood D

married

Thomas J. Harwood D

12/23.

Pennsylvania Harwood 44

Patrick Henry Dunean, 16

Mapped

Fred Duncan, 12

John Henry Duncan

John Wesley Duncan, 10

Chubbee (or Chubbe) (M. or F)

mer

Elizabeth Chubb II

1728  
Lou Johnson 37

married

married

John Johnson D

William D. Duncan

4000  
12/24

1254  
 Elbert Duncan 18

"William B. Duncan" 14

1. Otha J. Duncan 12

Ida E. Duncan 10

" Pearl T. Duncan 9

4 Harry Duncan, of

Thurman Duncan,

CMS

No. 7227

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

MAR 28 1903

Date

Name Lewis M. Harwood.

Age 50 -

Blood Don't know

Post Office, Ravia, I. T.

Father: Thomas J. Harwood d

Mother: Matilda " d

Claims through mother

wife.

Sarah Ann " (d 1888)

Children:

claims for self  
alone

Stenographer Chas. C. [unclear] [unclear]

Choctaw MCR 7228

Dave Bonner

MCR 7228

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Dave Bonner, et al.,  
for identification as Mississippi Choctaws, M.C.R. 7228.

I N D E X .

List of papers forwarded to the Secretary of the  
Interior comprising the record in the above case.

(Page)

Original application of Dave Bonner, et al., before the  
Daves Commission for identification as Mississippi Choctaws,

1

Decision of the Commission refusing the application of  
Dave Bonner, et al., for identification as Mississippi  
Choctaws,

2

Department of the Interior  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. March 23, 1903.

---o---

In the matter of the application of Dave Bonner for the identification of himself and his six minor children, Jack, Willie, Barkanna, Beulah, John and Wash Bonner, as Mississippi Choctaws.

Dave Bonner being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A Dave Bonner.  
Q What is your age? A Fifty-three.  
Q What is your post office address? A Gilmore, Texas.  
Q How long have you lived there? A I have been living there about fifty-two years.  
Q Where were you born? A Mississippi.  
Q Lived there about one year? A Yes, sir.  
Q Is your father living? A No, sir dead.  
Q Is your mother living? A No, sir she is dead.  
Q What was your father's name? A My father's name Dave Bonner.  
Q What was your mother's name? A Cilla Bonner.  
Q Do you claim through your father or mother? A Mother.  
Q How much Choctaw blood do you claim? A One-fourth.  
Q You claim your mother was one-half? A Yes, sir.  
Q Has your mother been recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No, sir.  
Q Was your father a slave? A Yes, sir.  
Q And your mother? A Yes, sir.  
Q And you too? A Yes, sir.  
Q You were all three slaves? A Yes, sir.  
Q Were you all liberated by the act of Emancipation? A No, sir none but me they were dead.  
Q They died before they were freed? A Yes, sir.  
Q Is your wife living? A Yes, sir.  
Q Is she a colored woman? A Yes, sir.  
Q What is her name? A Georgianna.  
Q Do you claim for your wife? A No, sir.  
Q Have you any children under twenty-one years old? A Yes, sir.  
Q Now give the name of the first that isn't married? A Jack.  
Q How old? A Eighteen.  
Q Now the next? A Willie, boy.  
Q How old? A Fourteen.  
Q Now the next? A Barkanna.  
Q Girl? A Yes, sir.  
Q How old is she? A Twelve.  
Q Now the next? A Beulah.  
Q How old is Beulah? A She is ten.  
Q The next? A John.

- Q How old is John? A Right.  
 Q The next? A Wash.  
 Q How old is Wash? A Six.  
 Q Next? A That is all.  
 Q Is Georgianna Bonner your wife, the mother of these minor children? A Yes, sir.  
 Q Are they all living together with you at your home? A Yes, sir.  
 Q Have you proof of your marriage to your wife with you now? A No, sir, haven't got it with me.  
 Q When were you married to Georgianna? A 1871.  
 Q Do you remember the day of the month? A Yes, sir.  
 Q Give it? A Twenty-fifth August.  
 Q By a minister under a license? A No, sir, justice of the Peace.  
 Q At what place were you married? A Gilmore, Texas.  
 Q Is your name with the names of your children on any roll of the Choctaw Nation in Indian Territory? A No, sir.  
 Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children either to the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States authorities in Indian Territory? A No, sir.  
 Q This is the first application, is it, for yourself and children for citizenship rights in the Choctaw Nation? A Yes, sir.  
 Q Do you come before the Commission now to be identified as a Mississippi Choctaw? A Yes, sir.  
 Q You make that claim under article fourteen for yourself and your children? A Yes, sir.

Article fourteen is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q What is the name of your ancestor that you claim your Choctaw blood through? A Caroline Gibson.  
 Q What relation to you was she? A Grandmother.  
 Q Was she your mother's mother? A Yes, sir.  
 Q How much Choctaw blood did she have? A Full blood.  
 Q Did she live in Mississippi in 1830? A Yes, sir.

- Q You are fifty-three now. How old would Caroline Gibson be if living now? A Over one hundred.
- Q Did she always live in Mississippi? A My mother said she come from Alabama to Mississippi?
- Q Was she a slave at one time? A No, sir.
- Q Did any of your Choctaw ancestors live in 1830 and have a family there then? A In Mississippi? Yes, sir.
- Q Did Caroline Gibson? A Yes, sir.
- Q How old would your mother be today? A She would be along in seventy.
- Q Was she born in Mississippi? A In Alabama.
- Q Is she was born in Alabama seventh years ago she wouldn't have been living in Mississippi when the treaty was made, she was living in Alabama then wasn't she? A Yes, sir.
- Q Was your grandmother born in Alabama? A I don't know.
- Q Did any of your Choctaw ancestors live on land in the old Choctaw Nation either in Mississippi or Alabama for five years and then get a patent from the government for that land? A No, sir.
- Q Did any of your Choctaw ancestors go before Colonel Ward within six months from the ratification of the treaty of 1830 and register or attempt to register under article fourteen of that treaty? A My mother said her mother did, Caroline Gibson, but I don't know whether she ever done it.
- Q Went before whom? A The authorities.
- Q Did you ever hear of Colonel Ward? A Yes, sir.
- Q Who was he do you know? A He was one of the officers.
- Q Was he an Indian? A Well I don't know much at all.
- Q Do you know whether he was in Mississippi in 1831? A Just only by saying.
- Q Did anybody ever tell you that? A My mother told me that.
- Q What did your mother ever tell you about Caroline Gibson going before Colonel Ward and registering? A No, sir.
- Q Then what you know is hearsay from your mother? A Yes, sir.
- Q Did Caroline Gibson go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A No, sir.
- Q And your mother didn't go did she? A No, sir.
- Q Did your mother ever live in the Indian Territory? A No, sir.
- Q Did any of your Choctaw ancestors own any improvement in the old Choctaw Nation in 1830? A None but grandmother.
- Q Did she? A She claimed land there.
- Q But did she own any improvement on land there? A Well I don't know.

In 1837 and also in 1842 commissions were appointed which went to Mississippi and heard claims under article fourteen of the treaty of 1830. These commissions were appointed under various acts of Congress to hear the claims of Indians who claimed they tried to register under article fourteen of the treaty of 1830 but were refused the right to register by Colonel Ward, and as a result of his refusal the agents of the government took their lands and sold them with the improvements thereon.

- Q Did any of your Choctaw ancestors go before either of these com-

missions and claim benefits under article fourteen of the treaty of 1830? A No, sir.

- Q Do you speak or understand the Choctaw language? A No, sir.  
 Q Did any of your ancestors get any scrip from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A No, sir she was dead.  
 Q Have any of your kin been before this Commission? A Yes, sir.  
 Q Who? A cousin of mine.  
 Q Who? A Ellen Ford.

The case of Ellen Ford is referred to for the purpose of consolidation, M.C.R.6365.

Thirty days time will be allowed this applicant in which to introduce other proof in this case.

This applicant has the appearance of being a full blood negro, hair is gray now, whiskers gray, mustache part gray, doesnt understand the Choctaw language and he was was a slave and his father and mother were slaves.

---o---

Chas. Diffendaffer, being first duly sworn states that as stenographer to the commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause taken at Muskogee, Indian Territory March 23, 1903, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

*Chas. Diffendaffer*

gubscribed and sworn to before me this 5th day of May 1903.

*Charles H. Sawyer*

Notary Public.



COPY.

*SD*  
DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Dave Bonner, et al.,  
for identification as Mississippi Choctaws, M.C.R. 7228.

--- D E C I S I O N ---

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Dave Bonner for himself and his six minor children, Jack, Willie, Barkanna, Beulah, John and Wash Bonner, under the following provision of the act of Congress approved June 26, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Caroline Gibson, who is alleged to have been a full blood Choctaw Indian and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by

the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder that the said Caroline Gibson, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Dave Bonner, Jack Bonner, Willie Bonner, Barkanna Bonner, Boulah Bonner, John Bonner and Wash Bonner, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the appli-

ation for their identification as such should be refused, and it  
is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

*Tams Bixby.*

Chairman.

(SIGNED)

*T. B. Needles.*

Commissioner.

(SIGNED)

*C. R. Breckinridge.*

Commissioner.

Muskogee, Indian Territory

AUG 6 1903

(SIGNED)

*W. E. Stanley*

COMMISSIONER.

M.C.R. 7228.

COPY.

Muskogee, Indian Territory, August 6, 1903.

Dave Bonner,  
Gilmer, Texas.

Dear Sir:-

You are hereby advised that on the 6th day of August 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Dave Bonner, et al?, applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 496) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Dave Bonner, Jack Bonner, Willie Bonner, Barkana Bonner, Beniah Bonner, John Bonner and Wash Bonner, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

D. B. 2.

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

---

(SIGNED)

*T. B. Needles.*  
Commissioner in Charge.

Register.

COPY.

Muskegee, Indian Territory, August 6, 1903.

Mansfield McMurray & Gernish,  
Attorneys for the Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:-

You are hereby advised that on the 6th day of August 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Dave Bonner, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1896 (30 Stats., 495):

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Dave Bonner, Jack Bonner, Willie Bonner, Barkanna Bonner, Boulah Bonner, John Bonner and Wash Bonner, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*T. B. Needles.*  
Commissioner in Charge.

COPY.

Muskogee, Indian Territory, August 22, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Dave Bonner, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of August 6, 1903.

The Commission has the honor to report that the principal applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

This case refers to the Mississippi Choctaw case of Ellen Ford, et al., M.C.R. 5365, decision in which was rendered by the Commission on February 14, 1903, and forwarded to the Department on March 21, 1903.

Respectfully,

(SIGNED).

*T. B. Needles*

Commissioner in Charge.

Through the Commissioner of Indian Affairs.  
2 Enc. M.C.R. 7226.

Muskogee, Indian Territory, January 22, 1904.

Dave Bonner,  
Gilmer, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 14th instant, enclosing your affidavit and the joint affidavit of Gerry Gillum and Will Webb. In your letter you state that you have been sick and unable to attend to your case, which statement is supported by the enclosed affidavits. You ask if there is any way that you could secure a rehearing in the matter of your application for identification as a Mississippi Choctaw.

In reply you are advised that on December 17, 1903, the Secretary of the Interior approved the decision of the Commission refusing the application made by you for the identification of yourself and six minor children as Mississippi Choctaws. The Commission now has no authority to take any further action in your case, and if you desire a rehearing you should address a petition to the Secretary of the Interior, through the Commission to the Five Civilized Tribes. Said petition should be in the form of, or accompanied by, the affidavits of the party in interest, setting forth by what testimony he expects to establish his claim, and containing the names of the witnesses who are expected to furnish the



required testimony. Petitioners must also show how, when, and where said witnesses acquired their knowledge of the matters whereof it is expected that they will testify.

Motions are only granted in those cases where sufficient reason appears for so doing. Mere statements contained in a letter are not sufficient to induce such action. Applicants are required to show that they, or some one of their ancestors, were citizens of the Choctaw Nation in 1830 and heads of families, and, as such, complied or attempted to comply in person or by proxy, with the provisions of article 14 of the treaty of September 27, 1830.

A mere allegation that their ancestors so complied is not sufficient; the time of their application to be registered must also be shown, and the conversation or circumstances relating to it.

In some cases this showing can be made directly by satisfactory evidence, either oral or documentary; in others the applicants can accomplish the same results by showing that an ancestor of theirs was identical in person with one of the original beneficiaries of said article 14, whose name appears as such in the records of the government. No conclusion, however, as to identity can be reached in the absence of a full history of the applicants' ancestors, showing, as nearly as possible, their legal residence and family associations, also their Choctaw as well as their English names.

D B 3

The affidavits transmitted with your letter of the 14th instant are herewith returned.

Respectfully,

Commissioner in Charge.

McM 44

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, December 12, 1903.

Land:  
55453-1903.

The Honorable

The Secretary of the Interior.

Sir:-

I have the honor to submit for departmental action, the record of the Commission to the Five Civilized Tribes in the matter of the application of Dave Bonner for the identification of himself and his six minor children, Jack, Willie, Barkanna, Beulah, John and Wash Bonner, as Mississippi Choctaws, wherein a decision adverse to the applicants was rendered by the Commission on August 6, 1903.

The record in this case shows that the applicants trace their Choctaw ancestry from Samline Gibson, who is claimed to have been the head of a Choctaw family residing in Alabama, but Dave Bonner, who furnishes the testimony in this case, says she did not get land under the Choctaw Treaty nor comply by a five years residence on the land she did occupy, although he contends that she did go before Agent Ward to be registered in accordance with the provisions of the 14th article of the Choctaw Treaty.

— 2 —

An examination of the records of this office has been made with reference to the name of Caroline Gibson. The only family of the surname of Gibson whose name is found among the Cheetaw Indians was one Eli Tubbee, who was also known as Tom Gibson; his wife was named Tahona; he was a beneficiary under the 14th article of the Cheetaw Treaty. There were also two small boys under the age of ten years, in behalf of whom scrip was issued in pursuance of the legislation subsequently passed relative to the 14th article claimants.

The name of Caroline Gibson not being among the names of those persons who complied or attempted to comply with the provisions of the 14th article, I am of the opinion that the decision of the Commission rejecting these applicants should be approved, and so recommend.

Very respectfully,

W. A. Jones,

Commissioner.

E.B.H.(B)

(COPY).

WCF  
PHE

DEPARTMENT OF THE INTERIOR,

WASHINGTON, December 21, 1903.

D.O. 35253-1903.  
ITD 8846-1903.  
L.R.S.

Commission to the

Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

August 22, 1903, you transmitted the record in the case involving the application for identification as Mississippi Choctaws of Dave Bonner, for himself and his six minor children, Jack, Willie, Barkanna, Beulah, John and Wash Bonner, including your decision of August 6, 1903, refusing to identify them as such.

The applicants claim rights to Choctaw lands under article 14 of the Choctaw treaty of 1830, by reason of being descendants of Caroline Gibson, through her daughter, Gilla Bonner, it being alleged that Caroline Gibson was a Choctaw Indian and a resident of Mississippi in 1830. The principal applicant states that said Caroline Gibson would have been over one hundred years old had she been living at the date of the application herein, and that she did not comply with the provisions of article 14 of the Choctaw treaty of 1830.

Reporting December 18, 1903, the Commissioner of Indian Affairs states that the only family of the surname of Gibson who was a beneficiary under article 14 of the Choctaw treaty of 1830 was one Eli Tubbee, who was also known as Tom Gibson; his wife was named Tahona. There was also in said family two boys under the age of ten years, in behalf of whom scrip was issued.

The Commissioner recommends that your decision rejecting the applicants be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation and your decision is hereby affirmed.

Respectfully,

Thos. Ryan,  
Acting Secretary.

1 inclosure.

COPY:

M.C.R. 7228.

Muskogee, Indian Territory, December 31, 1903.

Dave Bonner,  
Gilmer, Texas.

Dear Sir:

You are hereby notified that on the 31st day of December, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Dave Bonner, et al., of which decision you were advised by registered mail on the 6th day of August, 1903.

Respectfully,

SIGNED

*Tams Bixby.*  
Chairman.

M.C.R. 7228.

copy:

Muskogee, Indian Territory, December 31, 1903.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 21st day of December, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Dave Bonner, et al, of which decision you were advised by mail on the 6th day of August, 1903.

Respectfully,

(SIGNED)

*Tams Bixby.*

Chairman.



A

No.

7228

## FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 28 1903

Name Dave Bonner

Age 53 -

Blood 1/4

Post Office, Gilmer, Texas

Father: Dave Bonner, d

Mother: Cilla " d

Claims through mother  $\frac{1}{2}$  in

wife.

Georgianna Bonner, l. neg

No claim for wife

Children:

Jack Bonner 18

Willie " M 14

Barbanna " F 12

Beulah " .. 10

John " 8

Wash " 6

Claims for self &  
6 children

Stenographer

Chas. res. found off

A MISSISSIPPI

Dave Bonner, et al.

RECEIVED

ACTION OF THE SECRETARY OF INTERIOR:

FOR THE OPENING OF ACTION  
FOR THE OPENING OF ACTION

1903

FOR THE OPENING OF ACTION  
FOR THE OPENING OF ACTION  
FOR THE OPENING OF ACTION

1903

Choctaw MOR 7229

Montford M. Harper

MOR 7229

Department of the Interior  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. March 23, 1903.

---o---

In the matter of the application of Montford M. Harper  
for the identification of himself as a Mississippi Choctaw.

Thomas & Harrison attorneys.

Montford M. Harper being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A Montford M. Harper.  
Q What is your age? A Fifty-seven.  
Q What is your post office address? A Broadwell, Illinois.  
Q How long have you lived there? A Fifty-seven years.  
Q All your life? A Born and raised there.  
Q Is your father living? A No, sir.  
Q Is your mother living? A No, sir.  
Q What is your father's name? A Samuel Harper.  
Q What is your mother's name? A Mary Ann Harper.  
Q Do you claim through your father or mother? A Father.  
Q Your father Samuel? A Yes, sir.  
Q How much Choctaw blood do you claim? A One-fourth.  
Q Do you claim your father Samuel was one-half Choctaw? A Yes, sir.  
Q Has he ever been recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No, sir.  
Q Is your wife living? A Yes, sir.  
Q What is your wife's name? A Elizabeth E. Harper.  
Q Is she a white woman? A Yes, sir.  
Q Do you make any claim for her? A No, sir.  
Q You claim for yourself alone? A Yes, sir.  
Q Is your name on any tribal roll of the Choctaw Nation in Indian Territory? A Not that I know of.  
Q Have you ever made application for citizenship in the Choctaw Nation either to the Choctaw tribal authorities in Indian Territory or to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No, sir.  
Q Have you ever been admitted to citizenship in the Choctaw Nation by any authority whatever up to the present time? A No, sir.  
Q Is this the first application for citizenship in the Choctaw Nation? A Yes, sir.  
Q Do you come before the Commission now to be identified as a Mississippi Choctaw claiming under article fourteen? A Yes, sir.  
Q Do you understand that article? A I think so.

That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so

by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article? A No, sir.
- Q What is the name of your ancestor through whom you make this application now? A Charles Harper, grandfather.
- Q How much Choctaw blood did he have? A Full blood.
- Q You claim through your father Samuel Harper? A Yes, sir.
- Q Did Charles Harper live in Mississippi or Alabama in 1830 and have a family there then? A I think he lived in Mississippi.
- Q At that time? A Yes, sir.
- Q And have a family there then? A I don't know whether he had a family or not, he came from there to Indiana.
- Q Where was he born and when? A I couldn't tell you that.
- Q When did he die? A Died in Logan county Illinois.
- Q How old would he be if living now? A Couldn't say.
- Q Did he have a Choctaw Indian name? A (no answer)
- Q Did he speak the Choctaw language? A No, sir.
- Q Did he or any of your Choctaw ancestors live on land in the old Choctaw Nation for five years after the treaty of 1830 was ratified and at the end of that time receive a patent for that land? A I don't know.
- Q Did any of your Choctaw ancestors, Charles Harper or any other, go before Colonel Ward, the United States Indian Agent, within six months after the ratification of the treaty of 1830 and attempt to register under article fourteen of that treaty? A I couldn't say.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi River to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A I think they did.
- Q Did any of your Choctaw ancestors go from the old Choctaw Nation to the Choctaw Nation Indian Territory with the other Indians between the years 1833, 1838 or 1840? A I think not.
- Q Did any of your Choctaw ancestors own any improvement on land in the old Choctaw Nation in 1830? A I don't know.

Q Did any of your Choctaw ancestors go before a commission in 1837 which commission was appointed by an act of congress approved March 3d of that year, or before a commission appointed by an act of Congress of August 23, 1842 and claim any right under article fourteen of the treaty of 1830? A Not that I know of.

These commissions were appointed under these various acts of Congress for the purpose of hearing Choctaw Indians who claimed that they had registered or attempted to register under article fourteen of the treaty of 1830 but had been refused the right to register by Colonel Ward, the Indian agent, and because of his refusal their land had been taken from them and sold by the government at its public land sales.

Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A I couldn't say that.

This scrip was issued under the act of Congress approved August 23, 1842 and was given to those Choctaw Indians who first proved their rights under article fourteen and also proved that their land in the old Choctaw Nation had been taken from them by the government and sold at its public land sales.

Q Do you speak or understand the Choctaw language? A No, sir.

Thirty days time will be allowed this applicant from this date in which to introduce other proof in this case.

Q Have any of your relatives been before this commission to be identified as Mississippi Choctaws? A No, sir.

Q Do you know John Harper who claims through Charles Harper and who has been before this Commission recently? A Yes, sir.

Q Have you any relation names John Harper? A Yes, sir.

Q What is his relationship to you? A Cousin.

Q Do you want to have his case referred to in your application? A Yes, sir.

Q

The case of John Harper M.C.R. 7079 is referred to for the purpose of consolidation.

This applicant has the appearance and physical characteristics of being descended from white parentage, brown hair, light brown mustache, ruddy complexion, blue eyes; has no knowledge of the Choctaw language and no knowledge of a compliance on the part of any of his ancestors with any of the provisions of the treaty of 1830.

---o---

Chas. Diffendaffer, being first duly sworn states that as stenographer to the commission to the Five Civilized Tribes he re-

7229-4

ported the proceedings had in the above entitled cause taken at Muskogee, Indian Territory March 23, 1903, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

*Chas. Diffendaffer.*

Subscribed and sworn to before me this 5th day of May 1903.

*Charles H. Sawyer*

Notary Public.

M.C.R. 7229.

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,

Attorneys at Law,

Muskogee, Indian Territory,

Gentlemen:

You are hereby advised that the Commission has this day notified Montford M. Harper that he will be allowed thirty days from this date in which to submit further evidence in support of his application for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Commissioner in Charge.



M.C.P. 7229.

Muskogee, Indian Territory, November 6, 1903.

Montford M. Harper,  
Broadwell, Illinois,

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of your application for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, March 19, 1904.

Montford N. Harper,

Broadwell, Illinois.

Dear Sir:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which the application made by you for identification as a Mississippi Choctaw was made a part, refusing said application.

You are further advised that a copy of such decision has been furnished your attorneys of record, Messrs. Thomas & Harrison, Muskogee, Indian Territory; that the record in the case will be retained by the Commission for thirty days from the date of the rendition of this decision, and at the expiration of that time will be transmitted, together with such argument and brief as may be submitted by your attorneys of record, to the Secretary of the Interior for his consideration.

Respectfully,

Commissioner in Charge.

Registered.

MC R 7229

Muskogee, Indian Territory, June 26, 1905.

Montford M. Harper,

Broadwell, Illinois.

Dear Sir:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 19th day of March, 1904.

Respectfully,

Chairman.

Muskogee, Indian Territory, September 8, 1905.

Montford M. Harper,  
Breadwell, Illinois.

Dear Sir:

Receipt is hereby acknowledged of your letter of August 8, 1905, requesting to be furnished with a copy of the decision in the Harper case.

It is presumed you have reference to the decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which your application is a part, and in which case the applicants claim descent through one Charles Harper.

On March 30, 1905, the Secretary of the Interior approved the decision of the Commission to the Five Civilized Tribes rendered March 4, 1904, refusing the several applicants in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., and as such decision adjudicates the rights of over 800 persons it is necessarily voluminous and copies thereof cannot be furnished the applicants.

A copy of the decision above referred to is on file in this office, and any responsible person authorized by you to make a copy of the same will be permitted to do so at any time.

Respectfully,

Acting Commissioner.

E C 140

No.

7229

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 28 1903

Name Monifora M. Harper

Age 57 + Blood  $\frac{1}{4}$

Post Office, Broadwell, Ill.

Father: Samuel Harper, d

Mother: Mary A. .. d

Claims through father  $\frac{1}{2}$

wife.

Elizabeth E. Harper l. v

No claim for wife

Children:

Claim for self  
alone

Stenographer Charles J. Bennett

MISSISSIPPI CHOCOLAW.

Montford M. Harper

DECISION RENDERED.

MAR 2 1904

COPY OF DECISION RENDERED  
ATTORNEYS FOR THE  
CHICKASAW NATION

NOTICE OF DECISION

PLANT.

MAR 1 1904

COPY OF DECISION RENDERED  
ATTORNEY FOR THE NATION

MAR 1 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED BY  
SECRETARY OF INTERIOR.

MAR 2 1904

NOTICE OF DEPARTMENTAL  
ACTION MADE.

NOTICE OF DEPARTMENTAL  
FORWARDED WITH

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED WITH  
AND THE NATION.

ENTERED IN BOOK

1904

Choctaw MCR 7230

Ida M C Daniel

MCR 7230

Department of the Interior  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. March 23, 1903.

---o---

In the matter of the application of Ida McDaniel for the identification of herself and her five minor children, Arthal W., Ethel, Elsie, Fitzhugh and Elias McDaniel, as Mississippi Choctaws.

Thomas & Harrison attorneys.

Ida McDaniel being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A Ida McDaniel.  
Q What is your age? A Thirty-one.  
Q What is your post office address? A Topas, Mo.  
Q How long have you lived at Topas Missouri? A All my life.  
Q Always lived there? A Yes, sir.  
Q Is your father living? A Yes, sir.  
Q Is your mother living? A Yes, sir.  
Q What is your father's name? A Hiram L. James.  
Q What is your mother's name? A Julia A. James.  
Q No relation to Jesse James? A Cousins.  
Q Do you claim through your father or mother? A Mother.  
Q Then you don't get any Choctaw blood from the James side? A No, sir.  
Q How much Choctaw blood do you claim? A One-sixteenth.  
Q Your mother was one-eighth was she? A Yes, sir.  
Q Has your mother ever been recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No, sir.  
Q Is your husband living? A Yes, sir.  
Q What is his name? A Elijah McDaniel.  
Q He is living and what is his race? A White.  
Q You don't make any claim for him? A No, sir.  
Q Now the children giving the oldest first? A Arthal W.  
Q How old? A Eleven.  
Q The next? A Ethel.  
Q How old? A Nine.  
Q Next? A Elsie.  
Q How old? A Seven.  
Q Is Arthal a boy? A Yes, sir.  
Q The next? A Fitzhugh.  
Q How old? A Four.  
Q Next? A Elias.  
Q How old? A Two.  
Q Is that all? A Yes, sir.  
Q You claim for yourself and these children do you? A Yes, sir.  
Q Is Elijah McDaniel, your husband, the father of these children? A Yes, sir.  
Q Are you and your husband living together as husband and wife and are these children living with you at your home? A Yes, sir.



- Q Is your name with the names of any of these children on any tribal roll of the Choctaw Nation in Indian Territory? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children either to the Choctaw tribal authorities in Indian Territory or to the commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No, sir.
- Q Have you or your children ever been enrolled as members of the Choctaw tribe of Indians by any authority whatever in Indian Territory? A No, sir.
- Q This is your first application? A Yes, sir.
- Q Do you now come before the commission to be identified as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes, sir.
- Q You understand that article well enough to claim under it do you? Why I don't know, I reckon.

The article that you claim under now is called article fourteen of the treaty of 1830 which was put into that treaty for the protection of those Indians who refused to go to the Choctaw Nation Indian Territory with the other Indians under the treaty. The treaty itself was made between the Choctaw Indians and the United States government for the purpose, on the part of the government, of removing the Choctaw Indians from the old nation east of the Mississippi River to the Choctaw Nation Indian Territory; a good many Choctaw Indians refused to go there and this article was put into the treaty for their benefit. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q This is article fourteen of the treaty of 1830 under which you are claiming; did any of your Choctaw ancestors comply with that article do you know; if so who did? A Well my great grandmother.
- Q What was her name? A Alabeath Freeman.
- Q What was her name before she married Freeman? A Alabeath Ball.
- Q She married Freeman? A Yes, sir.

7230-3

- Q How do you know how much Choctaw blood your great grandmother had? A One-half.
- Q Did she live in Mississippi or Alabama in 1830 and have a family at that time? A I think so.
- Q Do you claim through your mother Julia A. James and she claims through which parent? A Her father.
- Q His name was what? A Daniel Freeman.
- Q And he claimed through whom? A His mother.
- Q Alabeath? A Yes, sir.
- Q You are sure she use to live in Mississippi? A I understand she did.
- Q Did she live on land in Mississippi for five years after the treaty was ratified and then get a patent from the government for that land? A No, sir I think not.
- Q Did she go to Colonel Ward, the United States Indian agent, within six months after the treaty was ratified and register or attempt to register under article fourteen of that treaty? A I think she did.
- Q Do you know whether she registered or not? A She was refused I think.
- Q What did she do then do you know? A I don't know.
- Q How old would she be if living now? A I can't tell.
- Q All you know about her registering or attempting to do so is based on family history and tradition? A Yes, sir.
- Q Did any of your Choctaw ancestors go from the old Choctaw Nation to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A I think not.
- Q Did any of them go with the other Indians between the years 1833, 1838 at the expense of the government, or don't you know? A I don't know.
- Q Did any of your Choctaw ancestors own any improvement in the old Choctaw Nation in 1830? A I don't know.
- Q Did any go before a commission in 1837 or 1842 and claim any rights under article fourteen of that treaty? A I don't know.

These commissions were appointed under various acts of Congress one in 1837 approved by an act March 3d of that year and the other by an act approved August 23d 1842, for the purpose of hearing Choctaw Indians claims who claimed that they had registered or attempted to register under article fourteen of the treaty of 1830, but because they were refused registration by Colonel Ward they had had their land taken from them by the government and sold at its public land sales.

- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A I think not.

This scrip was issued under the act of Congress approved August 23, 1842.

- Q Do you speak or understand the Choctaw language? A No, sir.

7230-4

Q Is John H. Bennight a relation of yours? A Yes, sir.

The case of John H. Bennight, M.C.R. 6255 is referred to for the purpose of consolidation.

Thirty days time is allowed this applicant from this date in which to introduce other proof in this case.

This applicant has the appearance and physical characteristics of being descended from white parentage, brown hair, medium fair complexion, blue eyes,; has no knowledge of the Choctaw language and no knowledge of a compliance on the part of her ancestors with any of the provisions of the fourteenth article of the treaty of 1830.

---0---

Chas. Diffendaffer, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause taken at Muskogee, Indian Territory, March 23, 1903, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

*Chas. Diffendaffer.*

Subscribed and sworn to before me this 5th day of May 1903.

*Charles H. Sawyer.*

Notary Public.

K C R 6715  
M O R 7230 ✓

Muskogee, Indian Territory, May 11, 1903.

Thomas & Harrison,  
Attorneys at Law,  
Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 8th instant, enclosing joint affidavit of John W. Freeman and William R. Freeman and certificate of marriage between William D. Freeman and Elsie James, offered in support of the Mississippi Chectaw case of Elsie Freeman, et al.

Also certified copy of marriage license and certificate between E. W. McDaniel and Ida James, offered in support of the Mississippi Chectaw case of Ida McDaniel, et al.

The above mentioned documents have been filed in the respective cases.

Respectfully,

Commissioner in Charge.

COPY.

M. C. R. 7230.

Muskogee, Indian Territory, June 15, 1904.

Ida McDaniel,

Topas, Missouri,

Dear Madam:

You are hereby notified that the Commission to the Five Civilized Tribes, on June 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John H. Bennight et al., including you and your minor children, Arthal W. McDaniel, Ethel McDaniel, Elsie McDaniel, Fitzhugh McDaniel and Elias McDaniel.

You are further notified that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*Tams Bixby.*

*Chairman.*

Registered.

M. C. R. 7230

Muskogee, Indian Territory, May 8, 1905.

Ida McDaniel,

Topaz, Missouri,

Dear Madam:

You are hereby notified that on the 21st day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John H. Bennight et al., of which decision you were advised by registered mail on the 15th day of June, 1904.

Respectfully,

Commissioner in Charge.

380 7

C.H.S.

No.

7230

## FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 23 1903

Name Ida McDaniel

Age 31

Blood

1/16 —

Post Office, Topaz, Mo.

Father: Hiram L. James. P

Mother: Julia A. .. P

Claims through mother 1/8 —

Husband.

Elijah McDaniel, P. W  
No claim for husband

Children:

Arthal W. McDaniel, M 11

Esther .. 9

Elsie .. 7

Fitzhugh .. 4

Elias .. 2

Claim for self  
and 5 minor

Stenographer Charles J. Bond

CONFIDENTIAL  
A MISSISSIPPI CHOCTAW

DECISION RENDERED

JUN 15 1904

REFUSED

NOTICE OF DECISION FORWARDED  
APPLICANT

JUN 15 1904

NOTICE OF DECISION  
FORWARDED ATTORNEY  
FOR APPLICANTS.

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

RECORD FORWARDED DEPARTMENT.

AUG 16 1904

ACTION APPROVED BY  
SECRETARY OF INTERIOR.

APR 21 1905

NOTICE OF DEPARTMENTAL  
ACTION MAILED APPLICANT.

MAY - 8 1905

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT.

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

REFER TO M. C. R.

6255



Choctaw MCR 7231

James E. Edens

MCR 7231

Department of the Interior  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. March 23, 1903.

---0---

In the matter of the application of Edley C. Edens for the identification of his five minor children, James E., Sarepta J., Tolbert S., Mollie E. and Ethel E. Edens, as Mississippi Choctaws.

J. A. Hurley attorney.

Edley C. Edens being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A Edley C. Edens.  
Q What is your age? A Forty-two.  
Q What is your post office address? A Paluxy, Texas.  
Q How long have you lived there? A Forty-two years.  
Q Born where? Texas.  
Q Always lived there? A Yes, sir.  
Q You are the father of five minor children that you want to make application for? A Yes, sir, I am.  
Q What is the name of your wife who is the mother of these children? A Jane E. Edens.  
Q Is she living? A Yes, sir.  
Q Do you want to introduce your power of attorney from her authorizing you to make application for the children? A Yes, sir.

This power of attorney authorizing you to make application for her, but at this time the Commission will receive it to authorize you to make application for your minor children; same is received, marked exhibit "A" and made a part of the record in this case.

Certified copy of marriage certificate of E. D. Edens - that is your name? A Yes, sir - and J. E. Miller - that is your wife's name? A Yes, sir - is received, filed marked exhibit "B" and made a part of the record in this case.

- Q These children claim through their mother do they? A Yes, sir.  
Q How much do you claim for your children? A One-sixteenth, I suppose.  
Q You claim their mother is one-eighth Choctaw? A One-eighth is what has been told me.  
Q Give the names of your children beginning with the oldest? A All right. James E. Edens.  
Q How old? A Twenty.  
Q Next? A Sarepta J.  
Q How old? A She is nineteen I believe.  
Q What is the name of the next? A Tolbert S.  
Q How old? A He is seventeen.  
Q Next? A Mollie E.  
Q How old? A Fifteen.  
Q Next? A Ethel E.  
Q How old? A Thirteen.

- Q Is that all? A Yes, sir.
- Q Do you know whether your wife, mother of these children, has ever been recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A I don't know.
- Q Are the names of these children on any tribal roll of the Choctaw Nation in Indian Territory? A No, sir.
- Q Have you ever made application for citizenship for these children? A None whatever.
- Q Is this the first application that has ever been made for them for citizenship in the Choctaw Nation? A Yes, sir.
- Q Do you now come before the Commission to have them identified as Mississippi Choctaws claiming under article fourteen? A Yes, sir.
- Q Do you understand that article? A No, sir.

The treaty was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September 1830. The object of the treaty was to remove the Choctaw Indians from the old Nation east of the Mississippi River to the Choctaw Nation Indian Territory; before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory under the treaty, and in order to protect the interest of those who stayed back in the old Choctaw Nation, article fourteen was put into the treaty. That article is the one under which you claim now and is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q What is the name of your ancestor of these children, or of your wife, through whom this claim is made? A William G. Miller
- Q What relation is he to these children? A Grandfather.
- Q Do you know whether he claims through his father or mother? A No, sir I don't know, I think it is through his father.
- Q Are you sure? A No, sir I am not right sure.
- Q How much Choctaw blood did William G. Miller have? A I don't know.

- Q He was grandfather of these children was he? A Yes, sir.  
 Q And your wife's father? A Yes, sir.  
 Q He is living is he? A No, sir, No, sir he died when my wife was small.  
 Q What was your wife's mother's name? A Nancy C. Miller.  
 Q Dead? A Yes, sir.  
 Q Now did your wife ever live in Mississippi or Alabama? A No, sir.  
 Q Did William G. Miller her father ever live there? A I couldn't tell you.  
 Q You don't know whether any ancestor was living in Mississippi or Alabama in 1830 and whether said ancestor had any land there then? Do you know? A No, sir.

You will be allowed thirty days time from this date in which to introduce further proof in this case.

- Q Do you know whether William G. Miller or any Choctaw ancestor of these children lived on land in the old Choctaw Nation either in Mississippi or Alabama for five years and then got a patent from the government for that land? A No, sir.  
 Q Did any Choctaw ancestor go before Colonel Ward, the United States Indian Agent, within six months after the treaty of 1830 was ratified and register or attempt to register under article fourteen of the treaty of 1830? A I don't know.  
 Q Did any of their Choctaw ancestors go from that old Choctaw Nation east of the Mississippi River to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A I don't know.  
 Q Did any of their Choctaw ancestors own any improvement in the old Choctaw Nation in 1830? A I don't know.  
 Q Did any go before a commission in 1837 or before a commission in 1842 and claim any benefit under article fourteen of the treaty of 1830? A I don't know.

A great many Indians tried to register under Colonel Ward and under article fourteen, within six months after the ratification of the treaty of 1830 and were refused registration by Colonel Ward, and as a result their lands had been taken from them by the agents of the government; they made a complaint to Congress and congress appointed two commissions to hear the applications of all claimants.

- Q Did any of their Choctaw ancestors receive any scrip? A I don't know.  
 Q Did any of their ancestors ever live in Indian Territory? A No, sir.  
 Q Do these children speak or understand the Choctaw language? A They do not.  
 Q Does your wife, their mother? A No, sir.  
 Q Have you any other evidence that you want to present now with you? A No, sir.  
 Q What relation have you that has been before the commission? A Cornelia A. Smith.

7231-4

The case of Cornelia A. Smith M.C.R. 6642 is referred to for the purpose of consolidation.

- Q How is she related to these children? A I don't know.  
Q But she is related is she? A That is what they tell me.  
Q Who told you that? A My wife's brother.

It is claimed Cornelia A. Smith is a relative of these children.

- Q Give me the names of your wife's brothers and sisters who have been before the Commission? A M. G. Miller, L. A. Richmon, W. G. Miller and S. A. Pharr.

---O---

Chas. Diffendaffer, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause taken at Muskogee, Indian Territory March 23, 1903, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

*Chas. Diffendaffer*

Subscribed and sworn to before me this 9th day of May 1903.

*Charles H. Sawyer*

Notary Public.

Muskogee, Indian Territory, March 14, 1904.

Edloy C. Edens,

Paluxy, Texas.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 14, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Cornelia A. Smith, et al., including your children, James E., Sarepta J., Tolbert S., Mollie C. and Ethel E. Edens.

You are further notified that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

*T. B. Needles.*

Commissioner in Charge.

Registered.

M.C.R. 7231

Muskogee, Indian Territory, September 26, 1904.

Edley C. Edens,

Paluxy, Texas.

Dear Sir:

You are hereby notified that on the 24th day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission, refusing the application for identification as Mississippi Choctaws, of James E. Edens, Sarepta J. Edens, Tolbert S. Edens, Mollie C. Edens and Ethel E. Edens, included in the consolidated case of Cornelia A. Smith et al., of which decision you were advised by registered mail on the 14th day of March, 1904.

Respectfully,

Chairman.

## FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

MAR 23 1903

Date

Edley C. Edens (white)

Name for 5 minors -

of father of children

Age 42

Blood

1/16

of father

Post Office,

Paluxy, Tex

of children

Father: Edley C. Edens, l.

Mother:

Jane E. " l

Children

Claim through mother 1/8

Husband

Edley C. Edens, w. -

wifes father, Wm L. Miller d. ch

" mother, Nancy C. " d

Children:

James E. Edens. 20

Sarepta J " F. 19

Solbert S " 17

Mollie C " 15

Ethel E. " 13

Claim for his  
5 minors

Stenographer chas. Leffers



FOR IDENTIFICATION AS A  
A MISSISSIPPI CHOCTAW.

R. 7

James E. Edens et al

RECEIVED

DECISION RENDERED. MAY 11 1904

NOTICE OF DECISION RENDERED  
APPLICANT

NOTICE OF DECISION  
FORWARDED ATTORNEY  
FOR APPLICANTS

RECORDS AND DOCUMENTS

ACTION APPROVED BY  
SECRETARY OF INTERIOR.  
AUG 24 1904

NOTICE OF DEPARTMENTAL  
ACTION MAILED APPLICANT.

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT.

REFER TO M. C. R.

Choctaw MCR 7232

Winnie Packard

MCR 7232

Department of the Interior  
Commission to the Five Civilized Tribes  
Muskogee, I.T. March 23, 1903.

---o---

In the matter of the application of Winnie Packard for the identification of herself and her two minor children, Marie and Velda Packard, as Mississippi Choctaws.

Thomas & Harrison attorneys.

Winnie Packard being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A Winnie Packard.  
Q What is your age? A Twenty-seven.  
Q What is your post office address? A East Las Vegas, New Mexico  
Q How long have you lived there? A Just about two months.  
Q Where did you live before that? A Topeka, Kansas.  
Q Where were you born? A Nebraska.  
Q How long did you live in Nebraska? A Until I was twenty-four.  
Q And then went where? A Kansas.  
Q And from Kansas you went to New Mexico? A Yes, sir.  
Q Is your father living? A Yes, sir.  
Q Is your mother living? A Yes, sir.  
Q What is your father's name? A John C. Woodard.  
Q What is your mother's name? A Margaret.  
Q Do you claim through your father or mother? A Mother.  
Q How much Choctaw blood do you claim? A One-thirty-second.  
Q You claim your mother has one-sixteenth? A Yes, sir.  
Q Has she been before the commission to be identified as a Mississippi Choctaw? A Yes, sir.  
Q Do you remember when she appeared before the Commission? A March 4th.  
Q Of this year? A Yes, sir.  
Q She never has previously been recognized or enrolled as a member of the Choctaw tribe by any authority whatever? A No, sir.  
Q Is your husband living? A Yes, sir.  
Q What is your husband's name? A William O. Packard.  
Q What is his race? A White.  
Q Do you make any claim for him? A No, sir.  
Q What are the names of your children that you want to make application for? A Marie.  
Q How old is she? A Eight.  
Q The next? A Velda.  
Q How old? A Five.  
Q Is that all? A Yes, sir.  
Q You claim for yourself and these two children do you? A Yes, sir.  
Q Is William O. Packard the father of these two children? A Yes, sir.  
Q Are you and he living together as husband and wife and are these children living with you at his home? A Yes, sir.

- Q Is your name with the names of your children on any tribal roll of the Choctaw Nation in Indian Territory? A No, sir.
- Q Have you ever made application for citizenship either to the Choctaw tribal authorities in Indian Territory or to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No, sir.
- Q Have you ever been admitted with your children to citizenship in the Choctaw Nation either by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States authorities in Indian Territory? A No, sir.
- Q Do you come before the Commission at this time to identify yourself and these children as Mississippi Choctaws? A Yes, sir.
- Q Do you claim under article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand that article? A Yes, sir.

It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with that provision of that article? A I don't know.
- Q What is the name of your ancestor through whom you are making your claim now? A Great great grandmother.
- Q What is the name? A Alabeath Ball.
- Q That was her maiden name? A Yes, sir.
- Q What was her other name? A Freeman.
- Q She married whom? A I don't know what his name was.
- Q She married a whiteman any way? A Yes, sir.
- Q And she had how much Choctaw blood? A One-half.
- Q Did she or any other Choctaw ancestor of yours live in the old Choctaw Nation either in Mississippi or Alabama for five years and at the end of that time get a patent from the government for that land? A I don't know.
- Q Did any Choctaw ancestor go before Colonel Ward, the agent, within six months after the treaty was ratified and attempt to register under article fourteen of that treaty? A I don't know.

- Q Did any of them go from the old Choctaw Nation east of the Mississippi River to the Choctaw Nation Indian Territory with the other Indians between the years 1833 and 1838? A I don't know.
- Q Or at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A I don't know.
- Q Did any of your Choctaw ancestors own any improvement in the old Choctaw Nation in 1830? A I can't tell you that.
- Q Did any of your Choctaw ancestors claim any land in the old Choctaw Nation under article fourteen of that treaty? A I don't know.

In 1837 and also in 1842 commissions were appointed which went to Mississippi and heard claims under article fourteen of the treaty of 1830. These claimants were Indians who tried to register under article fourteen of the treaty of 1830 by going to Colonel Ward, the Indian agent, but Ward would not allow them to register and because he would not allow them to do so their lands were afterwards taken from them and sold by the government at its public land sales.

- Q Did any of your Choctaw ancestors go before either of these Commissions and claim benefits under article fourteen of that treaty? A I don't know.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A I don't know.

This scrip was issued under the act of Congress approved August 23, 1842 and was given to those Choctaw Indians who proved their right under article fourteen of the treaty of 1830 and also proved that their land in the old Choctaw Nation had been taken from them by the government and sold at its public land sales.

- Q Do you speak or understand the Choctaw language? A I don't know.
- Q Is John H. Bennight related to you? A Yes, sir.
- Q What relation? A I don't know.
- Q He is some relation? A Yes, sir.
- Q He has been before this commission to be identified as a Mississippi Choctaw, do you want to have your case considered under his application? A Yes, sir.

The case of John H. Bennight is referred for the purpose of consolidation, M.C.R. 6256.

Thirty days time is allowed this applicant from this date in which to introduce other proof in this case.

By attorney:

- Q What is the name of your grandfather? A Phillip J. Howar
- Q And the name of your grandmother is what? A Winnie Wood.
- Q Now what was the name of Winnie Wood's parents if you remember?
- Q Freeman.
- Q Do you remember the names of the parents of your grandmother Winnie Wood? A No, sir.

7232-4

- Q You think though that one of your grandmother's parents was a Freeman? A Yes, I know that.
- Q Your great grandfather was Wood, do you remember what his other name was? A No, sir.
- Q Now was this great grandmother, Freeman, the daughter of Alabeath Freeman? A Yes, sir.

By Commission:

This applicant has the appearance and physical characteristics of being descended from white parantage, very black hair, brown eyes, medium dark complexion ruddy,; doesn't understand the Choctaw language and has no knowledge of a compliance on the part of any of her ancestors with the provisions of article fourteen of the treaty of 1830.

---0---

Chas. Diffendaffer, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause taken at Muskogee, Indian Territory, March 23, 1903, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

*Chas. Diffendaffer.*

Subscribed and sworn to before me this 9th day of May 1903.

*Charles H. Sawyer*

Notary Public.

M C R  
7252-6255  
6714-6716

Muskogee, Indian Territory, May 8, 1903.

Thomas & Harrison,  
Attorneys at Law,  
Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 4th instant, enclosing the following:

Certified copy of marriage record between William Packard and Winnie M. Woodward, offered in support of the Mississippi Choctaw case of Winnie Packard, et al.

Certified copy of marriage certificate between John Westly Benight and Mary Freeman, offered in support of the Mississippi Choctaw case of John M. Bennight, et al.

Certificate of marriage between Isaac H. Wallin and Eva H. James, offered in support of the Mississippi Choctaw case of Eva H. Wallin, et al.

Marriage license and certificate between John L. Baldwin and Sarah James, offered in support of the Mississippi Choctaw case of Sarah Baldwin, et al.

The above mentioned documents have been filed in the respective cases.

Respectfully,

Chairman.

COPY: M. C. R. 7232.

Muskogee, Indian Territory, June 15, 1904.

Winnie Packard,  
East Las Vegas, New Mexico,

Dear Madam:

You are hereby notified that the Commission to the Five Civilized Tribes, on June 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John H. Bennight et al., including you and your minor children, Marie Packard and Velda Packard.

You are further notified that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,  
(SIGNED)

Registered.

*Tams Bixby.*  
Chairman.



Muskogee, Indian Territory, May 8, 1905.

Winnie Packard,

East Las Vegas, New Mexico,

Dear Madam:

You are hereby notified that on the 21st day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John H. Bennight, et al., of which decision you were advised by registered mail on the 15th day of June, 1904.

Respectfully,

Commissioner in Charge.

L

No. 7232

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 28 1903

Name Winnie Packard.

Age 27.

Blood 1/32 ✓

Post Office, East Las Vegas, N.M.

Father: John C. Woodward l

Mother: Margaret Woodward, l

Claims through mother 1/16

Husband

William O. Packard, l. w

No claim for husband

Children:

Marie Packard, 8

Velda " 5

claims for self  
and 2 minors

Stenographer Charles J. [unclear] [unclear]

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.

*Winnie Packard, et al*  
**REFUSED**

DECISION RENDERED

**JUN 15 1904**

**NOTICE OF DECISION FORWARDED  
APPLICANT**

**JUN 15 1904**

**NOTICE OF DECISION  
FORWARDED ATTORNEY  
FOR APPLICANTS.**

**JUN 15 1904**

**NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.**

**JUN 15 1904**

**RECORD FORWARDED DEPARTMENT.**

**AUG 11 1904**

**ACTION APPROVED BY  
SECRETARY OF INTERIOR.**

**APR 21 1905**

**NOTICE OF DEPARTMENTAL  
ACTION MAILED APPLICANT.**

**MAY - 8 1905**

**NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT.**

**NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.**

**REFER TO M. C. R. 6255**

Choctaw MCR 7233

Ida E. Redick

MCR 7233

Department of the Interior  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. March 23, 1903.

---o---

In the matter of the application of Ida E. Redick for the identification of herself as a Mississippi Choctaw.

Thomas & Harrison attorneys.

Ida E. Redick being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A Ida E. Redick.  
Q What is your age? A Sixteen.  
Q What is your post office address? A Stillwater, Oklahoma.  
Q How long have you lived there? A Three months.  
Q Where were you born? A In Kansas  
Q How long did you live in Kansas? A Five years.  
Q Then went where? A Oklahoma.  
Q And lived there since? A Yes, sir.  
Q Is your father living? A Yes, sir.  
Q Is your mother living? A Yes, sir.  
Q What is your father's name? A Charles F. Harper.  
Q What is your mother's name? A Ellen E. Harper.  
Q Do you claim your Choctaw blood through your father? A Yes, sir.  
Q How much do you claim? A One-eighth.  
Q Do you claim your father is one-fourth Choctaw? A Yes, sir.  
Q Has he ever been recognized or enrolled as a member of the Choctaw tribe by the Choctaw tribal authorities or the United States authorities in Indian Territory? A I don't know.  
Q Is your husband living? A Yes, sir.  
Q What is his name? A Elmer C. Redick.  
Q What is his race? A White.  
Q Do you make any claim for him? A No, sir.  
Q Have you any children? A No, sir.  
Q Do you claim for yourself alone? A Yes, sir.  
Q Is your name on any tribal roll of the Choctaw Nation in Indian Territory? A No, sir.  
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory or to the Dawes Commission under the act of Congress of June 10, 1896? A No, sir.  
Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States court in Indian Territory? A No, sir.  
Q Do you want to be identified as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes, sir.

Article fourteen is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q What is the name of your ancestor that you claim through? A Charles Harper.
- Q What relation was he to you? A Great grandfather.
- Q How much Choctaw blood did he have? A Full blood.
- Q Did he live in Mississippi in 1830 and have a family there at that time? A I don't know.
- Q Did he go to the United States Indian agent within six months after the treaty was ratified and register or attempt to register under article fourteen of the treaty of 1830? A I don't know that.
- Q Did he or any of your Choctaw ancestors live on land in the old Choctaw Nation in Mississippi or Alabama for five years and at the end of that time receive a patent from the government for that land? A I don't know.
- Q Did he or any Choctaw ancestor of yours claim any land in the old Choctaw Nation under article fourteen of the treaty of 1830? A I don't know.
- Q Did he or any Choctaw ancestor go from the old Choctaw Nation to the Choctaw Nation Indian Territory with the other Indians between the years 1833 or 1838, or at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A Not as I know of.
- Q Did he or any Choctaw ancestor of yours own any improvement on land in the old Choctaw Nation in 1830? A I don't know.
- Q Did any of your Choctaw ancestors go before a commission in 1837 or a commission in 1842 and claim any benefits under article fourteen of the treaty of 1830? A I don't know.

These commissions were appointed by various acts of Congress one by an act of March 3, 1837 and the other by an act of August 23, 1842, to hear Choctaw Indian claimants who tried to register under article fourteen of the treaty of 1830 but were refused by Colonel Ward and because he refused to allow them to register their lands were afterwards taken from them in the old Choctaw Nation and sold by the government.

7233-3

- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A I don't know.

This scrip was issued under an act of Congress approved August 23, 1842.

- Q Do you speak or understand the Choctaw language? A No, sir.  
Q Are you related to John Harper who has been before this commission to be identified as a Mississippi Choctaw? A Yes, sir.  
Q Do you want to have your case considered under his application? A Yes, sir.

The case of John Harper M.C.R. 7079 is referred to for the purpose of consolidation.

This applicant will be allowed thirty days time from this date in which to introduce other proof in this case.

This applicant has the appearance and physical characteristics of being descended from white parentage, brown hair, brown eyes, medium dark complexion; has no knowledge of the Choctaw language and no knowledge of a compliance on the part of any of her ancestors with any of the provisions of article fourteen.

---O---

Chas. Diffendaffer, being first duly sworn states that as stenographer to the commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause taken at Muskogee, Indian Territory March 23, 1903, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

*Chas. Diffendaffer*

Subscribed and sworn to before me this 9th day of May 1903.

*Charles H. Sawyer*

Notary Public.

M C R 7078  
M C R 7233

Muskogee, Indian Territory, April 14, 1903.

Charles F. Harper,  
Post Office Box #733,  
Chandler, Oklahoma Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 9th instant, enclosing certified copy of marriage record between Charles F. Harper and Ellen E. Eekles, offered in support of the application made by you for the identification of yourself and minor child as Mississippi Choctaws.

Also certified copy of marriage license and certificate between Elmer C. Redick and Ida E. Harper, offered in support of the application made by Ida E. Redick for identification as a Mississippi Choctaw. Said documents have been filed in the respective cases.

In your letter you state "My brother George Harper of Kansas City, Mo., gave you a copy of our father's marriage certificate" and ask "Will that be sufficient for all of us, or will each one of us have to furnish a copy?"

In reply you are informed that the one copy will be sufficient evidence of the marriage of your father.

Respectfully,

Chairman



M.C.F. 7233.

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,

Attorneys at Law,

Muskogee, Indian Territory,

Gentlemen:

You are hereby advised that the Commission has this day notified Ida E. Redick that she will be allowed thirty days from this date in which to submit further evidence in support of her application for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Commissioner in Charge.

M.C.R. 7233.

Waskogee, Indian Territory, November 6, 1903.

Ida E. Redick,

Stillwater, Oklahoma,

Dear Madam:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of your application for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, March 19, 1904.

Ida E. Redick,

Stillwater, Oklahoma Territory,

Dear Madam:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers et al., of which your application for identification as a Mississippi Choctaw is a part, refusing said application.

You are further advised that a copy of such decision has been furnished your attorneys of record, Thomas & Harrison, Muskogee, Indian Territory; that the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision; at the expiration of that time the record, together with such argument and brief as may be submitted by your attorneys, will be transmitted to the Secretary of the Interior for his consideration.

Respectfully,

Registered,

Commissioner in Charge.

M C R 7233

Muskogee, Indian Territory, June 26, 1905.

Ida E. Redick,

Stillwater, Oklahoma.

Dear Madam:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 19th day of March, 1904.

Respectfully,

Chairman.

i C.A.S.

No. 7233

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

MAR 23 1903

Date

Name *Ida E. Redick*

Age *16*

Blood *1/8*

Post Office, *Stillwater Arkla*

Father: *Charles F. <sup>Harper</sup> ~~Passer~~*

Mother: *Ellen E. " "*

Claims through *father, 1/4*

*Husband*

*Elmer C. Redick L. xv*

*No claim for husband*

Children:

*Claims for self  
done*

Stenographer *Chas. H. Johnson*

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.

H. 71

*J. La B. Redick*

DECISION RENDERED.

MAR 4 1904

CITY OF  
ATTORNEY  
CHICKASAW

FORWARDED  
BY LAW AND

MAR 11 1904

NOTICE OF DECISION MAILED APPLICANT.

MAR 19 1904

COPY OF DECISION FORWARDED  
ATTORNEY FOR APPLICANT.

MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED BY  
SECRETARY OF INTERIOR.

MAR 21 1905

NOTICE OF DEPARTMENTAL  
ACTION MAILED APPLICANT.

JUN 26 1905

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT.

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR CHOCTAW  
AND CHICKASAW NATIONS.

REFER TO M. C. R.

276

Choctaw MCR 7234

Aley E. Harper

MCR 7234

Department of the Interior  
Commission to the Five Civilized Tribes  
Muskogee, I.T. March 23, 1903.

---O---

In the matter of the application of Alely E. Harper for the identification of herself as a Mississippi Choctaw.

Thomas & Harrison attorneys.

Alely E. Harper being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A Alely E. Harper.  
Q What is your age? A Twenty-five.  
Q What is your post office address? A Chandler, Oklahoma.  
Q How long have you lived in Oklahoma? A Twelve years.  
Q Before that you lived where? A Kansas.  
Q Where were you born? A Illinois.  
Q Where in Illinois? A Naples.  
Q From there you went to Kansas? A Yes, sir.  
Q Then you went to Oklahoma? A Yes, sir.  
Q How long have you lived at Chandler? A Ever since been there.  
Q Is your father living? A Yes, sir.  
Q Is your mother living? A Yes, sir.  
Q What is your father's name? A Charles F. Harper.  
Q What is your mother's name? A Ellen E. Harper.  
Q Do you claim your Choctaw blood through your father? A Yes, sir.  
Q How much do you claim? A One-eighth.  
Q Do you claim your father is one-quarter Choctaw Indian? A Yes, sir.  
Q Has he been before the Commission? A Yes, sir.  
Q When do you know? A I don't know exactly.  
Q During this month? A Yes, sir.  
Q Has he previous to that time ever been recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No, sir.  
Q Are you single? A Yes, sir.  
Q You claim for yourself alone? A Yes, sir.  
Q Is Ida E. Redick who has just made application your sister? A Yes, sir.

Her case is referred to M.C.R. 7233 as claiming through the same common ancestor.

- Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.  
Q Have you ever made application for citizenship in the Choctaw Nation either to the Choctaw tribal authorities in Indian Territory or to the Dawes Commission under the act of Congress approved June 10, 1896? A No, sir.



Q Is this the first application for citizenship in the Choctaw Nation that has ever been made to any authority up to the present time?  
A Yes, sir.

Q Do you want to be identified now as a Mississippi Choctaw claiming under article fourteen? A Yes, sir.

Article fourteen is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q That is article fourteen of the treaty of 1830 under which you are claiming. What is the name of your ancestor who complied or attempted to comply through whom you make your claim today?  
A Charles Harper.

Q What relation to you was he? A Great grandfather.

Q How much Choctaw blood did he have? A Full blood.

Q You claim through your father do you? A Yes, sir.

Q And he claims through whom? A His father?

Q What was his name? A William Harper.

Q And he claims through whom, Charles Harper? A Yes, sir.

Q Did any of these ancestors live in Mississippi in 1830 and have a family there then? A I don't know.

Q Did any go to Colonel Ward within six months after the treaty was ratified and attempt to register under article fourteen? A I don't know.

Q Did any claim any land in the old Choctaw Nation in 1830? A I don't know.

Q Did any of your Choctaw ancestors live on land for five years and then get a patent from the government for that land? A I don't know.

Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi River to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A I don't know.

Q Or did any go between the years 1833 and 1838 with the other Indians at the expense of the government? A I don't know.

Q Did any of your Choctaw ancestors own any improvement on land in the old Choctaw Nation in 1830? A I don't know.

7234-3

- Q Did any of your Choctaw ancestors go before a commission in 1837 or a commission in 1842 and claim any benefits under article fourteen of the treaty of 1830? A I don't know.

These Commissions were appointed, one in 1837 by an act of Congress approved March 3d of that year and the other in 1842 by an act approved August 23d of that year, to hear Choctaw Indians who had tried to register under article fourteen of the Treaty of 1830, but were refused the right to register by Colonel Ward, the agent, and because of his refusal these Indians had their lands taken from them in the old Choctaw Nation by the agents of the government and sold at its public land sales.

- Q Did any of your Choctaw ancestors receive any scrip from the government which was issued under the act of Congress approved August 23, 1842? A No, sir.
- Q Did you ever hear of any such scrip being issued? A No, sir.

This scrip was issued to Choctaw Indians who proved their right under article fourteen and also proved that their land had been taken from them and sold.

- Q Do you speak or understand the Choctaw language? A No, sir.

Thirty days time will be allowed this applicant from the date hereof within which to introduce other proof in this case.

- Q Are you related to John Harper who has been before this Commission recently? A Yes, sir.
- Q Do you know what relation? A Second cousins.
- Q Do you want to have your case considered under his application? A Yes, sir.

The case of John Harper 7079 is referred to.

- Q Is there anything further you want to state in support of your claim? A No, sir.

This applicant has the appearance and physical characteristics of being descended from white parentage, brown hair, brown eyes, medium fair complexion; has no knowledge of the Choctaw language and no knowledge of a compliance on the part of any of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

---O---

Chas. Diffendaffer, being first duly sworn states that as stenographer to the commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause, taken at Muskegee, Indian Territory March 23, 1903, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

*Chas. Diffendaffer*

Subscribed and sworn to before me this 9th day of May 1903.

*Charles H. Sawyer*

Notary Public.

M.C.R. 7234.

Muskogee, Indian Territory, November 6, 1903.

Aley H. Harper,

Chandler, Oklahoma,

Dear Madam:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of your application for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Commissioner in Charge.

M.C.R. 7234.

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,

Attorneys at Law,

Muskogee, Indian Territory,

Gentlemen:

You are hereby advised that the Commission has this day notified Aley E. Harper that she will be allowed thirty days from this date in which to submit further evidence in support of her application for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, March 19, 1904.

Aley E. Harper,

Chandler, Oklahoma Territory,

Dear Madam:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers et al., of which your application for identification as a Mississippi Choctaw is a part, refusing said application.

You are further advised that a copy of such decision has been furnished your attorneys of record, Thomas & Harrison, Muskogee, Indian Territory; that the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision. At the expiration of that time the record, together with such argument and brief as may be submitted by your attorneys, will be transmitted to the Secretary of the Interior for his consideration.

Respectfully,

Commissioner in Charge.

Registered.

M C R 7234

Muskogee, Indian Territory, June 26, 1905.

Aley M. Harper,

Chandler, Oklahoma.

Dear Madam:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 19th day of March, 1904.

Respectfully,

Chairman.

J' CAV

No.

7224

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 23 1903

Name *Aley E. Harper.*

Age *25.*

Blood *1/8*

Post Office, *Chandler, Okla.*

Father: *Charles F. Harper* *l*

Mother: *Ellen E.* *"* *l*

Claims through

*father 1/4 +*

Children:

*Claims for self  
alone*

Stenographer *Chas. A. [unclear]*

FOR IDENTIFICATION  
A MISSISSIPPI CHOCTAW.

Alex E. Harper

DECISION RENDERED

MAR 4 1904

COPY OF DECISION FORWARDED

ATTORNEYS FOR CHOCTAW AND

CHICKASAW NATIONS.

MAR 4 1904

NOTICE OF DECISION MAILED APPLICANT. MAR 19 1904

COPY OF DECISION FORWARDED

ATTORNEY FOR APPLICANT.

MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED BY  
SECRETARY OF INTERIOR.

MAR 30 1905

NOTICE OF DEPARTMENTAL  
ACTION MAILED APPLICANT.

JUN 20 1905

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT.

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR CHOCTAW  
AND CHICKASAW NATIONS.

5370



Choctaw MCR 7235

Pearlee Fields

MCR 7235

Department of the Interior  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. March 23, 1903.

---O---

In the matter of the application of Pearlee Fields for the identification of herself and her seven minor children, Laura, Ada, Claudie, Lula, Relda, Nannie, and Arthur Fields, as Mississippi Choctaws.

Pearlee fields being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A Pearlee Fields.  
Q What is your age? A Thirty-seven.  
Q What is your post office address? Westville, Indian Territory.  
Q How long have you lived there? A Three years.  
Q How long in the Indian Territory? A Three years.  
Q Where did you live before that? A Missouri.  
Q Where were you born? A Missouri.  
Q Is your father living? A Yes, sir.  
Q Is your mother living? A Yes, sir.  
Q What is your father's name? A L. D. Wood.  
Q What is your mother's name? A R. J. Wood.  
Q Do you claim through your father or mother? A Father.  
Q How much Choctaw blood do you claim? A One-sixteenth.  
Q You claim your father was one-eighth? A Yes, sir.  
Q Has he been before the Commission? A No, sir.  
Q Has he been recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No, sir.  
Q Is your husband living? A Yes, sir.  
Q What is his name? A David Fields.  
Q He is white? A Yes, sir.  
Q Do you make any claim for him? A No, sir.  
Q Now give me the names of your children beginning with the oldest? A Laura.  
Q How old? A She is fifteen.  
Q Next one? A Ada.  
Q How old? A Thirteen.  
Q Next? A Claudie.  
Q Boy? A Yes, sir.  
Q How old? A Ten years old.  
Q The next? A Lula.  
Q How old? A Seven.  
Q Next? A Relda.  
Q How old? A Six.  
Q Next? A Nannie.  
Q How old? A Two.  
Q Is Relda a girl? A Yes, sir.  
Q What is the name of the next? A Arthur.  
Q How old? A Month old.

- Q You claim for yourself and these children do you? A Yes, sir.  
 Q Is David Fields the father of these children? A Yes, sir.  
 Q Are you and he living together as husband and wife and are these children living with you? A Yes, sir.  
 Q Is your name on any tribal roll of the Choctaw Nation in Indian Territory, with your children? A No, sir.  
 Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities or the Dawes Commission under the act of Congress of June 10, 1896, for yourself and children? A No, sir.  
 Q This is your first application for yourself and children for citizenship in the Choctaw Nation? A Yes, sir.  
 Q You now come before the commission to be identified with your children as Mississippi Choctaws? A Yes, sir.  
 Q Do you claim under article fourteen of the treaty of 1830? Yes, sir.

Article fourteen is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q That is article fourteen of the treaty of 1830. Do you understand it well enough to claim under it? A Yes, sir.  
 Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Alabeath Ball.  
 Q That is her maiden name isn't it? A Yes, sir.  
 Q What is her married name? A Freeman.  
 Q What is her husband's name? Aaron L.  
 Q Is it your great grandmother? A Yes, sir.  
 Q Well this Alabeath Ball or Freeman is your great grandmother? A Yes, sir.  
 Q And was Aaron Freeman your great grandfather? A Yes, sir.  
 Q He had white blood? A Yes, sir.  
 Q How much Choctaw did she have? A One-half.  
 Q Now you claim through your father L. D. Wood and he claims through his mother? A Yes, sir.  
 Q What is his mother's name? A Sarah Freeman.

- Q And she married a man names Wood? A Yes, sir.
- Q What is his name? A Henry.
- Q Did any of these Choctaw ancestors live in Mississippi in 1830 and have a family there then? A No, sir.
- Q Did any of your Choctaw ancestors go from the old Choctaw Nation east of the Mississippi River to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A I don't know.
- Q Did any of your Choctaw ancestors own any improvement on land in the old Choctaw Nation in 1830? A I don't know.
- Q Did any of your Choctaw ancestors go to Colonel Ward and try to register within six months after the ratification of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors live on land in the old Choctaw Nation in Mississippi or Alabama for five years after the treaty was ratified and then get a patent from the government for that land? A I don't know.
- Q Did any of your Choctaw ancestors claim any land in the old Choctaw Nation under article fourteen of the treaty of 1830? A I don't know.

Now in 1837 and 1842 under various acts of Congress commissions were appointed which commissions went to the state of Mississippi and heard claims under article fourteen of the treaty of 1830. These commissions were appointed to hear Indian claimants who had tried to register under article fourteen, but had been refused by Colonel Ward, and because of his refusal their lands had been taken from them by the government and sold at its public land sales.

- Q Did any of your Choctaw ancestors Alabeath Freeman, or any other, go before either of these Commissions and claim any benefits under article fourteen? A No, sir.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi, Louisiana, Alabama or Arkansas? A No, sir.
- Q Do you speak or understand the Choctaw language? A No, sir.

Thirty days time is allowed this applicant from the date herewith in which to introduce other proof in this case.

- Q Are you related to John H. Bennight? A Yes, sir.
- Q What relation do you know? A Cousins I guess.
- Q He has been before this Commission to be identified as a Mississippi Choctaw, do you want your case considered under his application? A Yes, sir.

The case of John H. Bennight M.C.R. 6255 is referred to for the purpose of consolidation.

This applicant has the appearance and physical characteristics of being descended from white parentage, dark brown hair dark brown eyes, dark complexion; she had no knowledge of the

7235-4.

Choctaw language and no knowledge of a compliance on the part of her ancestors with any of the provisions of the treaty of 1830.

---o---

Chas. Diffendaffer, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause taken at Muskogee, Indian Territory March 23, 1903, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

*Chas. Diffendaffer*

Subscribed and sworn to before me this 9th day of May 1903.

*Charles K. Sawyer*

Notary Public.

COPY:

M. C. R. 7235.

Muskogee, Indian Territory, June 15, 1904.

Pearlee Fields,

Westville, Indian Territory,

Dear Madam:

You are hereby notified that the Commission to the Five Civilized Tribes, on June 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John H. Bennight et al., including you and your minor children, Laura Fields, Ada Fields, Claudie Fields, Lula Fields, Relda Fields, Nannie Fields and Arthur Fields.

You are further notified that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*Tams Bixby.*

*Chairman.*

Registered.

M.C.R. 7235

Muskogee, Indian Territory, May 8, 1905.

Pearlee Fields,

Westville, Indian Territory,

Dear Madam:

You are hereby notified that on the 21st day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John H. Bennight et al., of which decision you were advised by registered mail on the 15th day of June, 1904.

Respectfully,

Commissioner in Charge.

K CNO

No.

7235

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 23 1903

Name Pearle Fries.

Age 37

Blood 1/16

Post Office, Newville, I. T.

Father: L. W. Wood - l

Mother: R. J. " l

Claims through

father & 7  
minorsDavid Fries, I. W.  
No claim for husband

Children:

Laurie Fries, 15

Ada " 13

Claudia " M 10

Lula " 7

Relda " F 6

Nannie " 2

Arthur " 1 m

Claims for self &  
7 minors

Stenographer Ches. Safford of Newville



FOR IDENTIFICATION  
A MISSISSIPPI CHOCTAW

Pearlee Fields, et al

DECISION RENDERED

JUN 15 1904

REFUSED

NOTICE OF DECISION FORWARDED  
APPLICANT

JUN 15 1904

NOTICE OF DECISION  
FORWARDED ATTORNEY  
FOR APPLICANTS.

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

JUN 15 1904

RECORD FORWARDED DEPARTMENT.

JUN 15 1904

ACTION APPROVED BY  
SECRETARY OF INTERIOR.

APR 21 1905

NOTICE OF DEPARTMENTAL  
ACTION MAILED APPLICANT.

MAY - 8 1905

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT.

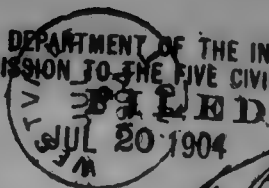
MAY - 1905

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

REFER TO M. C. R.

6255

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.



*[Handwritten signature]*

CHAIRMAN

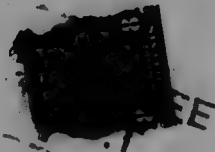
Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



13360  
11763



*Returned  
Unclaimed*

REGISTERED

JUN 17 1904

MUSKOGEE, IND. TER.

Pearlee Fields,

Westville, Indian Territory.

Choctaw MCR 7236

Daniel Pruitt

MCR 7236

Department of the Interior  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. March 23, 1903.

---o---

In the matter of the application of Daniel Pruitt for the identification of himself and his two minor children, Andy and Christine Pruitt, as Mississippi Choctaws.

Thomas & Harrison attorneys.

Daniel Pruitt being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A Daniel Pruitt.  
Q What is your age? A Thirty-one years old.  
Q What is your post office address? A Oiltrough, Arkansas.  
Q How long have you lived in Arkansas? A Ten years.  
Q How long in Oiltrough? A About four years.  
Q Where were you born? A Missouri.  
Q Always lived there until you went to Arkansas? A Yes, sir.  
Q Is your father living? A Yes, sir.  
Q Is your mother living? A No, sir.  
Q What is your father's name? A Andy Pruitt.  
Q Has he been recognized or enrolled as a Choctaw Indian? A No, sir.  
Q What was your mother's name? A Celia Freeman.  
Q That was her maiden name? A Yes, sir.  
Q Do you claim through your father or mother? A Mother.  
Q How much Choctaw blood do you claim? A One-sixteenth.  
Q Was your mother one-eighth Choctaw Indian? A Yes, sir.  
Q Has she ever been recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or the United States authorities in Indian Territory? A Not that I know of.  
Q Are you married? A Yes, sir.  
Q What is your wife's name? A Lottie Pruitt.  
Q Is she living? A Yes, sir.  
Q And is white? A Yes, sir.  
Q Do you claim for her? A No, sir.  
Q How many children have you? A Two.  
Q What is the name of the oldest? A Andy.  
Q How old? A Three.  
Q The next? A Christine.  
Q Girl? A Yes, sir.  
Q How old? A One year old.  
Q You claim for yourself and two children? A Yes, sir.  
Q Is your wife Lottie the mother of these two children? A Yes, sir.  
Q Have you the proof of your marriage with her here? A Yes, sir.

Marriage license and certificate of Daniel Pruitt and Lottie Bellsights is presented by this applicant, received marked exhibit "A" and made a part of the record in this case.

- Q This Daniel Pruett is yourself? A Yes, sir.  
 Q And Lottey is your wife? A Yes, sir.  
 Q Is your name on any tribal roll of the Choctaw Nation in Indian Territory? A No, sir.  
 Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory or to the Dawes Commission under the act of Congress of June 10, 1896? A No, sir.  
 Q Have you ever been admitted to citizenship in the Choctaw Nation up to the present time by any authority whatever? A No, sir.  
 Q Do you now come before the Commission to be identified with your children? A Yes, sir.  
 Q Do you claim under article fourteen of the treaty of 1830? A Yes, sir.

That article is as follows:

"Each choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you understand that article well enough to claim under it? A Yes, sir.  
 Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article? A I don't know.  
 Q Give me the name of your ancestor that you are claiming through now? A Alabath Ball.  
 Q That was her maiden name? A Yes, sir.  
 Q What was her married name? A Freeman.  
 Q Who did she marry? A Aaron Freeman.  
 Q Was Aaron Freeman an Indian or a white man? A White man.  
 Q How much Choctaw blood did she have, his wife? A One-half.  
 Q Are you related to John H. Bennight? A Yes, sir.  
 Q He has been before the Commission to be identified as a Mississippi Choctaw. What relation are you to him? A Cousin.  
 Q Are you related to Pearlee Fields? A Yes, sir.  
 Q What relation? A Cousin.  
 Q Do you want to have your case considered under the application of John H. Bennight? A Yes, sir.

The case of John H. Bennight M.C.R. 6255 is referred to for the purpose of consolidation.

- Q Did Alabeath Freeman live in Mississippi or Alabama in 1830 and have a family there at that time? A I don't know.
- Q Where was she born and when? A I don't know.
- Q When and where did she die? A I don't know.
- Q Did she speak the Choctaw language? A I don't know.
- Q What relation was she to you? A Great grandmother.
- Q You claim through your mother? A Yes, sir.
- Q And she claimed through which parent? A Her father.
- Q His name was what? A Daniel Freeman.
- Q Did he claim through Alabeath Freeman or Alabeath Ball? A Yes, sir.
- Q Did any of your Choctaw ancestors live in the old Choctaw Nation on land either in Mississippi or Alabama for five years and then get a patent from the government for that land under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi River to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A I don't know.
- Q Did any of your Choctaw ancestors claim any land in the old Choctaw Nation under article fourteen of that treaty? A I don't know.
- Q Did any go before Colonel Ward within six months after the treaty was ratified and register or attempt to register under article fourteen of that treaty? A I don't know.
- Q Did any of your Choctaw ancestors own any improvement on land in the old Choctaw Nation in 1830? A I don't know.

In 1837 and also in 1842 under various acts of Congress, commissions were appointed which went to Mississippi and heard Choctaw Indians who claimed that they had attempted to register under article fourteen of the treaty of 1830 within six months after the ratification of said treaty, but had been refused registration by Colonel Ward, the United States Indian agent, and because of this these Indians afterwards had their land taken from them, with the improvements thereon, and sold by the government and said.

- Q Do you know if any of your Choctaw ancestors went before either of these commissions and claimed benefits under article fourteen? A I don't know.
- Q Did any of your Choctaw ancestors receive any scrip from the government which scrip entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A I don't know.
- Q This scrip was issued under the act of Congress approved August 23, 1842 and was given to Choctaw Indians who proved their right under article fourteen of the treaty of 1830 and also proved that their land had been taken from them and sold.
- Q Do you speak or understand the Choctaw language? A No, sir.

7236-4

Thirty days time is allowed this applicant from the date hereof within which to introduce other proof in this case.

Q Is there anything more you want to say? A No, sir.

This applicant has the appearance and physical characteristics of being descended from white parentage, blue eyes, ruddy complexion, dark brown hair, and light brown mustaches; doesn't understand the Choctaw language and has no knowledge of a compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

---o---

Chas. Diffendaffer, being first duly sworn states that as stenographer to the commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause taken at Muskogee, Indian Territory March 23, 1903, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

*Chas. Diffendaffer*

Subscribed and sworn to before me this 9 th day of May 1903.

*Charles H. Sawyer*

Notary Public.



COPY. M. C. R. 7236.

Muskogee, Indian Territory, June 15, 1904.

Daniel Pruitt,

Oil Trough, Arkansas,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on June 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John H. Bennight et al., including you and your minor children, Andy Pruitt and Christine Pruitt.

You are further notified that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

*Tams Bixby.*

*Chairman.*

Registered.

Muskogee, Indian Territory, May 8, 1905.

Daniel Pruitt,

Oiltrough, Arkansas.

Dear Sir:

You are hereby notified that on the 21st day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of John H. Pennight et al., of which decision you were advised by registered mail on the 15th day of June, 1904.

Respectfully,

Commissioner in Charge.

L. C. 111

No. 7236

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

MAR 23 1903

Date

Name Daniel Pruitt

Age 31

Blood 1/16

Post Office, Oil Springs, Ark

Father: Andy Pruitt. l

Mother: Celia " d

Claims through mother's wife.

Lottie Pruitt. l. w.

No claim for wife.

Children:

Andy Pruitt, - 3

Christine " F 1

claim for self  
and 2 minor

Stenographer Charles R. R. R.

A MISSISSIPPI

**REFUSED**

*Daniel Smith et al.*

DECISION RENDERED JUN 15 1904

**NOTICE OF DECISION FORWARDED  
APPLICANT**

JUN 17 1904  
NOTICE OF DECISION  
FORWARDED ATTORNEY  
FOR APPLICANT

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

JUN 15 1904

**RECORD FORWARDED DEPARTMENT.**

**ACTION APPROVED BY  
SECRETARY OF INTERIOR.**

APR 22 1905

NOTICE OF DEPARTMENTAL  
ACTION MAILED APPLICANT

MAY 13 1905

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT.

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

6255

Choctaw MCR 7237

Sam Harper

MCR 7237

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Sam Harper, et al.,  
for identification as Mississippi Choctaws, M.C.R. 7257.

List of papers forwarded to the Secretary of the Interior  
comprising the record in the above case.

	(Page)
Original application of Sam Harper, et al., to the Dawes Commission for identification as Mississippi Choctaws.....	1
Decision of the Commission refusing the ap- plication in the case of Sam Harper, et al. for identification as Mississippi Choctaws.....	5

Department of the Interior  
Commission to the Five Civilized Tribes  
Muskogee, I.T. March 23, 1903.

---0---

In the matter of the application of Sam Harper for the identification of himself and his three minor children, Carrie, Zeddie and Cap Harper, as Mississippi Choctaws.

A. W. Jones attorney.

Sam Harper being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A Sam Harper.  
Q What is your age? A Thirty-four years old.  
Q What is your post office address? A Gibson Station, Indian Territory.  
Q How long have you lived in the Territory? A About a month.  
Q Where did you live before that? A Texas.  
Q How long in Texas? A All my life?  
Q Is your father living? A No, sir.  
Q Is your mother living? A Yes, sir.  
Q What was your father's name? A Clark.  
Q Full name? A Clark Harper.  
Q What is your mother's name? A Maria Harper.  
Q Do you claim through your father or mother? A Father.  
Q How much Choctaw blood do you claim? A I claim One-quarter.  
Q Do you claim your father was one-half Choctaw Indian? A Yes, sir.  
Q Has your father ever been recognized or enrolled as a member of the Choctaw tribe by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No, sir.  
Q Are you married? A Yes, sir.  
Q What is your wife's name? A Maria Harper, same as my mother.  
Q She is living? A Yes, sir.  
Q How much blood has she got? A She hasn't any.  
Q Colored? A Yes, sir.  
Q Were your parents slaves at any time? A Yes, sir.  
Q Where, in Texas? A Yes, sir.  
Q You don't make any claim for your wife do you? A No, sir.  
Q What are the names of your children beginning with the eldest? A Carrie.  
Q How old? A Ten.  
Q The next? A Zeddie.  
Q Boy? A Yes.  
Q How old? A Nine years old.  
Q The next? A Cap.  
Q Boy? A Yes, sir.  
Q How old? A Six.  
Q You claim for yourself and these three children do you? A Yes, sir.

- Q Is Maria Harper the mother of these children? A Yes, sir.
- Q Have you the proof of your marriage with your wife? A Yes, sir, no, sir.
- Q When were you married to her and when? A In 1883.
- Q What day of the month? A 26th December.
- Q Where? A Pittsburg, Texas.
- Q By a minister under a license? A Yes, sir.
- Q Is your name on any tribal roll of the Choctaw Nation in Indian Territory, with your children? A No, sir.
- Q Have you ever made application for citizenship for yourself and children to the Choctaw tribal authorities in Indian Territory or to the Dawes Commission under the act of Congress of June 10, 1896? A No, sir.
- Q Has your father ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States authorities in Indian Territory, or have you? A Not before now.
- Q Do you now come before the Commission to be identified as a Mississippi Choctaw with your children claiming under article fourteen of the treaty of 1830. A Yes, sir.

Article fourteen is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q That is article fourteen of the treaty of 1830 under which you are making your claim today; do you think you understand it well enough to claim under it? A Yes, sir.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A James Fletcher.
- Q What relation is he to you? A Great grandfather.
- Q How much Choctaw blood did he have? A Full blood.
- Q Did he live in Mississippi? A He did.
- Q Did he live there in 1830 and have a family there at that time? A He did.
- Q Did he live on land in Mississippi or Alabama in the old Choctaw Nation for five years and then get a patent from the government



- for that land? A Not that I know of.
- Q Did any of your Choctaw ancestors go to the United States Indian agent Colonel Ward, within six months after the treaty was ratified and register or attempt to register under article fourteen of the treaty of 1830? A They did.
- Q Is that a matter of family history and tradition? A Yes, sir.
- Q What was done with that attempt, did they register or not? A I don't know.
- Q Do you know whether they did or not? A I have been told that they did register or that they did attempt.
- Q Do you know whether any of your Choctaw ancestors went from that old Choctaw Nation east of the Mississippi River to the Choctaw Nation Indian Territory with the other Indians between the years 1833 and 1838 or at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A My father did.
- Q What is his name? A Clark Harper.
- Q Did he go from Mississippi to the Choctaw Nation Indian Territory? A No, sir, I don't know that.
- Q Did any of your ancestors? A I think they did.
- Q Did any of your Choctaw ancestors claim any land in that old Choctaw Nation under article fourteen of the treaty of 1830? A They did.
- Q Did any of your Choctaw ancestors live on land which they claimed as Choctaw Indians and which they claimed under article fourteen? A Not that I know of.
- Q How did your father or mother or any of your ancestors tell you anything about their land under article fourteen of the treaty of 1830? A My father.
- Q What did he tell you? A He said his father had went to the - whatever it was.
- Q Did any of your Choctaw ancestors go before a commission in 1837 or a commission in 1842 and claim any benefits under article fourteen of the treaty of 1830? A Not that I know of.

These commissions were appointed, one by an act of Congress approved March 3, 1837 and the other by an act approved August 23, 1842, and heard claim the claims of Choctaw Indians who claimed that they had appeared before Colonel Ward within six months from the ratification of the treaty but had been refused by Colonel Ward, and as a result these Indians had afterwards had their lands taken from them and sold by the agents of the government.

- Q Did you ever hear anything about that? A Not that I know of.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A Not that I know of.

This scrip was issued under the act of Congress of August 23, 1842.

- Q Do you speak or understand the Choctaw language? A I do not.

Thirty days time allowed this applicant from this date in which to introduce other proof in this case.

Q You have no relatives who have been before the commission? A I have not.

By Attorney:

Q You stated that James Fletcher was your ancestor, your great great grandfather? A Yes, sir.

Q Do you know whether or not he lived in Mississippi in 1830? A He did.

Q How did you come to know that? A Through family history.

Q He lived and died in Mississippi? A He did.

Q Then your parents removed and went to Arkansas? A Texas.

Q None ever lived in the Indian Territory? A No, sir.

Q All that you know about this case is what you have learned through family history? A Yes, sir.

By Commission:

This applicant has the appearance of being descended from white parantage, doesn't understand the Choctaw language, his father and mother were slaves at one time, and he has no knowledge of a compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

---0---

Chas. Diffendaffer, being first duly sworn states that as stenographer to the commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause taken at Muskogee, Indian Territory March 23, 1842, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

*Chas. Diffendaffer*

Subscribed and sworn to before me this 9th day of May 1903.

*Charles H. Sawyer*  
Notary Public.

COPY.

*off*

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----

In the matter of the application of Sam Harper, et al., for identification as Mississippi Choctaw, M.C.R. 7237.

---: D E C I S I O N :---

It appears from the record herein that application for identification as Mississippi Choctaw was made to this Commission by Sam Harper for himself and his three minor children, Carrie, Zeddie and Cap Harper, under the following provision of the act of Congress approved June 26, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of James Fletcher, who is alleged to have been a full-blood

Choctaw Indian, and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It is found that the name Capt. Fletcher appears on page 95 of Volume VII, American State Papers, Public Lands, in a list of names of Choctaw Indians, heads of families, who resided in Greenwood Leflore's district in the territory occupied by the Choctaw Indians in the States of Mississippi and Alabama at the date of the making of the treaty of "Dancing Rabbit Creek," and had lands in cultivation, in exchange for which they were to receive stipulated tracts of land in accordance with the provisions of the nineteenth article of said treaty, and also on page 136 of said record in "a list of claims allowed under the treaty in Greenwood Leflore's district," apparently under the nineteenth article of the treaty of eighteen hundred and thirty. It is also found that the name James Fletcher appears on page 88 of said record in "a list of Captains entitled to the additional half section under the nineteenth article of said treaty. The records above referred to in no way relate to article fourteen of the treaty of eighteen hundred and thirty, or show a compliance or attempted compliance on the part of the persons therein named with its provisions.

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said James Fletcher, or ancestors less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder, to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats. 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Sam Harper, Carrie Harper, Zeddie Harper and Cap Harper, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

James Bixby.  
Chairman.

(SIGNED)

T. B. Needles.  
COMMISSIONER.

(SIGNED)

C. R. Breckinridge.  
COMMISSIONER.

Washoe, Indian Territory,

DEC 5 - 1903

(SIGNED)

W. E. Stanley.  
COMMISSIONER.

COPY!

M.C.R. 7237.

Muskogee, Indian Territory, December 5, 1903.

Sam Harper,

Gibson Station,

Indian Territory.

Dear Sir:

You are hereby advised that on the 5th day of December, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Sam Harper, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 26, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Sam Harper, Carrie Harper, Saddle Harper and Gap Harper, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this

Sam Harper, --2

office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*James Bixby.*  
Chairman.

Registered,



COPY: M.C.R. 7237.

Muskogee, Indian Territory, December 5, 1903.

A. W. Jones,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 5th day of December, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Sam Harper, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Sam Harper, Carrie Harper, Eddie Harper and Gay Harper, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to



A. W. Jones, --2

file arguments in this office and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED):

*Tamc Birby.*  
Chairman.

Registered.

COPY!

N.C.R. 7237.

Muskogee, Indian Territory, December 8, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 8th day of December, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Sam Harper, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Sam Harper, Carrie Harper, Seddie Harper and Cap Harper, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully, (SIGNED),

*Tams Birby.*  
Chairman.

COPY

Muskogee, Indian Territory, December 21, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of ~~Sam Harper, et al.~~, applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 5, 1903.

The Commission has the honor to report that the principal applicant herein, his attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED);

*Tams Bixby.*

Chairman.

Through the  
Commissioner of Indian Affairs.

2 Enc. M.C.R. 7237.

DC/3643-1904.

(COPY).

J.W.H. JHE.

DEPARTMENT OF THE INTERIOR,

ITD 564-1904.

WASHINGTON, January 27, 1904.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

On December 21, 1903, you transmitted the record in the matter of the application of Sam Harper (M.C.R.7237), for the identification of himself and his three minor children, Carrie, Zeddie and Cap Harper, as Mississippi Choctaws, with your decision of December 5, 1903, refusing to identify them as such.

It appears that the principal applicant was born in the state of Texas; that he moved to the Indian Territory in 1903; that his father Clark Harper, was an one-half/<sup>blood</sup>Choctaw. The principal applicant also claims descent from one James Fletcher, a full blood Choctaw who, it seems, was the grandfather of Clark Harper.

The testimony furnished by the applicants is not sufficient to warrant the conclusion that either of said ancestors complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830.

It further appears that the records of the Indian Office fail to show that any person of the name of Clark Harper or James Fletcher was entitled to the benefits of said article.

Reporting in the matter January 21, 1903, the Acting Commissioner of Indian Affairs recommends that your action be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

Land.  
82,684-1903.

(COPY).

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON, JAN. 21, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

There is transmitted, herewith, for your consideration, the record of the proceedings had before the Commission to the Five Civilized Tribes, in the matter of the application of Sam Harper for the identification of himself and his three minor children, Carrie, Zeddie and Cap Harper, as Mississippi Choctaws, wherein a decision adverse to them was rendered by the Commission December 5, 1903.

The testimony in this case shows that the applicants base their claim to identification on their descent from James Fletcher and Clark Harper, it being claimed that they were Choctaw Indians and residents in Mississippi at the time of the making of the treaty of 1830.

The Commission found the name of Fletcher on their records as follows:

"It is found that the name Capt. Fletcher appears on page 95 of 'Volume VII, American State Papers, Public Lands, in a list of names of Choctaw Indians, heads of families, who resided in Greenwood Leflore's district in the territory occupied by the Choctaw Indians in the States of Mississippi and Alabama at the date of the making of the treaty of 'Dancing Rabbit Creek', and had lands in cultivation, in exchange for which they were to receive stipulated tracts

"of land in accordance with the provisions of the nineteenth article of said treaty, and also on page 136 of said record in 'a list of "claims allowed under the treaty in Greenwood Leflore's district', "apparently under the nineteenth article of the treaty of eighteen hundred and thirty. It is also found that the name James Fletcher "appears on page 88 of said record in "a list of Captains entitled "to the additional half section under the nineteenth article of said "treaty. The records above referred to in no way relate to article "fourteen of the treaty of eighteen hundred and thirty, or show a "compliance or attempted compliance on the part of the persons <sup>therein</sup> named "with its provisions", and also the fact that the applicants had never been enrolled as citizens of the Choctaw Nation are given by the Commission as their reasons for rejecting them.

An examination has been made of the records of this office with reference to the names of James Fletcher and Clark Harper, and it is discovered that their names do not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the treaty of 1830. Neither does it appear that they applied to either of the Commissions appointed under the acts of March 3, 1837 and August 23, 1842, for an adjudication of their rights, if any they had, as Choctaw Indians.

The record above given by the Commission is found to be correct, and the decision of the Commission rejecting the applicants is respectfully recommended for approval.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

(C.T.C.) P.

M.C.R. 7237

Muskogee, Indian Territory, February 8, 1904.

Sam Harper,

Gibson Station,

Indian Territory.

Dear Sir:

You are hereby notified that on the 27th day of January, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Sam Harper, et al., of which decision you were advised by registered mail on the 5th day of December, 1903.

Respectfully,

(SIGNED)

*T. B. Needles.*

Commissioner in Charge.



COPY.

M C R 7237

Muskogee, Indian Territory, February 8, 1904.

A. W. Jones,

Attorney-at-Law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on the 27th day of January, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Sam Harper, et al., of which decision you were advised by registered mail on the 5th day of December, 1903.

Respectfully,

(SIGNED)

*T. B. Needles.*

Commissioner in Charge.

COPY. M.C.R. 7237.

Muskogee, Indian Territory, February 8, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 27th day of January, 1904, the Secretary of the Interior affirmed the decision of the Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Sam Harper, et al., of which decision you were advised by mail on the 5th day of December, 1903.

Respectfully,

(SIGNED)

*T. B. Needles.*

Commissioner in Charge.

m

14

No.

7237

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 23 1903

Name Sam Harper.

Age 34

Blood  $\frac{1}{4}$

Post Office,

Gibson Station, I. T.

Father:

Clark Harper. d

Mother:

Maria " f

Claims through

father -  $\frac{1}{2}$

Wife -

Maria Harper, I. cal.

No claim for wife

Children:

Carrie Harper. 10

Zeddie " M. 9

Cap " " 6

Claim for self &  
3 minors

Stenographer has signed off.

FOR IDENTIFICATION

A MISSISSIPPI PHOTOGRAPH

Sam Harper, et al.

REFUSED

1899

No.

1899

DEPARTMENT.

AS THE APPROVED

SECRETARY OF INTERIOR.

JAN 17 1899

TO THE SECRETARY OF THE INTERIOR.

FROM THE SECRETARY OF THE INTERIOR.

RECEIVED

NOTICE OF THE SECRETARY OF THE INTERIOR  
FOR THE SECRETARY OF THE INTERIOR

1899

1899

Choctaw MCR 7238

William Cooper

MCR 7238

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application of William Cooper, et al.,  
for identification as Mississippi Choctaws, M.C.R. 7238.

List of papers forwarded to the Secretary of the Interior  
comprising the record in the above case.

	(Page)
Original application of William Cooper, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Decision of the Commission refusing the ap- plication of William Cooper, et al., for identification as Mississippi Choctaws-----	5

-oOo-

Department of the Interior  
Commission to the five civilized Tribes.  
Muskogee, I.T. March 23, 1903.

---o---

In the matter of the application of William Cooper for the identification of himself and his five minor children, Charlie, Neely, Ayeh, John and Effie Cooper, as Mississippi Choctaws.

A. W. Jones attorney.

William Cooper being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A William Cooper.  
Q What is your age? A Forty-five.  
Q What is your post office address? A Gibson, Station, Indian Territory.  
Q How long have you lived there? A About a month.  
Q Lived where before that? A Texas.  
Q Born in Texas? A No, sir born in Mississippi.  
Q And went from Mississippi to Texas? A Yes, sir.  
Q Is your father living? A No, sir.  
Q Is your mother living? A No, sir.  
Q What was your father's name? A Cooper Tomlin.  
Q What was your mother's name? A Celia Ann.  
Q What else? A Nothing else that is all.  
Q Do you claim through your father or mother? A My mother.  
Q Were your father and mother slaves at one time? A Yes, sir.  
Q And you too? A Yes, sir, I reckon I was, little fellow.  
Q Has your mother been recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or the United States authorities in Indian Territory? A Not that I know of.  
Q Is your wife living? A Yes, sir.  
Q Is she a colored woman? A Yes, sir.  
Q What is her name? A Kate Cooper.  
Q Do you make any claim for her? A No, sir.  
Q Now the oldest child? A None Cooper.  
Q How old is Nona? A She is twenty-five.  
Q Next? A Charlie, sixteen.  
Q What is the name of the next? A Neely.  
Q How old is Neely? A She is twelve.  
Q Next? A Ayeh.  
Q Boy or girl? A Boy.  
Q How old? A He is nine.  
Q Next? A John.  
Q How old? A Eight years old.  
Q Next? A Effie.  
Q How old? A Six.  
Q Is your wife Kate the mother of these children? A Yes, sir.  
Q Are you and she living together as husband and wife and are these children living with you at your home? A Yes, sir.

- Q Is your name with the names of your children on any tribal roll of the Choctaw Nation in Indian Territory? A Not as I know of.
- Q Have you got proof of your marriage to your wife? A No, sir.
- Q When were you married to her? A thirty years ago.
- Q Where were you married? A Pittsburg, Texas.
- Q By a minister under a license? A Yes, sir.
- Q Can you tell the day of the month and year? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children either by the Choctaw tribal authorities in Indian Territory or the Dawes Commission under the act of Congress of June 10, 1896? A No, sir.
- Q Have you ever been admitted to citizenship, with your children, in the Choctaw Nation by any authority whatever up to the present time? A Not as I know of.
- Q Do you want to be identified with them as Mississippi Choctaws? A Yes, sir.
- Q Do you claim under article fourteen of the treaty of 1830? A Yes, sir.

Article fourteen is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Did any of your ancestors comply with that article, do you know? A I have heard my mother say my grandfather did.
- Q What is his name? A I don't remember what she said his name was now.
- Q Who do you claim through? A My grandfather.
- Q What is his name? A John Washington.
- Q Now that was Gelia Ann's father, your mother's father? A Yes, sir.
- Q Well now how much Choctaw blood did John Washington have? A Full blood.
- Q Do you claim that your mother was one-half blood Choctaw Indian? A Yes, sir.
- Q How much do you claim? A One-quarter I guess.



- Q Did John Washington live in Mississippi in 1830 and have a family there then? A Yes, sir.
- Q Did he always live in Mississippi? A Yes, sir.
- Q Born and raised there? A Yes, sir, I guess so.
- Q Did he go from the old Choctaw Nation east of the Mississippi River to the Choctaw Nation Indian Territory between the years 1833 and 1838, or at any other time between the ratification of the treaty of 1830 and the date of this application made by you today? A No, sir, I don't know.
- Q Did any of your Choctaw ancestors live on land in that old Choctaw Nation for five years after the treaty was ratified and at the end of that time receive a patent from the government for that land under article fourteen of the treaty of 1830? A Not that I know of.
- Q Did any of your Choctaw ancestors go to Colonel Ward the Agent, within six months from the ratification of the treaty and register or attempt to register? A I don't know.
- Q Did any of your Choctaw ancestors own any improvement on land in that old nation in 1830? A I don't remember.
- Q Was John Washington a slave at any time? A No, sir I don't think he was.
- Q But his daughter was, your mother? A Yes, sir.
- Q Well did any of your Choctaw ancestors go before the commission of 1837 or the Commission of 1842 and claim any benefits under article fourteen of the treaty of 1830? A Not as I remember hearing.

These commissions were appointed one by an act of Congress approved March 3, 1837 and the other by an act approved August 23, 1842, for the purpose of hearing Choctaw Indians claiming under article fourteen of the treaty of 1830 because they had tried to register but were prevented from doing so by Colonel Ward and as a result their lands were taken from them and sold by the government.

- Q Did any of your ancestors receive any scrip from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A Not as I remember.

This scrip was issued under the act of Congress approved August 23, 1842.

- Q Do you understand or speak the Choctaw language? A No, sir.

Thirty days time is allowed this applicant from the date hereof within which to introduce other proof in this case.

By attorney:

- Q Were you born in Mississippi? A Yes, sir.
- Q Did you come with your parents from Mississippi to Texas? A Yes, sir.
- Q Do you know what year? A No, sir.
- Q What place in Mississippi did you come from? A I don't know.
- Q Did you ever hear your parents say? A Yes, sir.
- Q Was it Choctaw Nation Mississippi or Hines county Mississippi? A I don't know.

7238-4

Q Do you know anything about your ancestors who had Indian blood only through family history? A No, sir.

By commission:

This applicant has the appearance of being descended from negro parantage, he doesn't understand the Choctaw language and has no knowledge of a compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

-----0-----

Chas. Diffendaffer, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause taken at Muskogee, Indian Territory March 23, 1903, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

*Chas. Diffendaffer.*

Subscribed and sworn to before me this 9 th day of May 1903.

*Charles DeSawyer*

Notary Public.

COPY

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-e0e-

In the matter of the application of William Cooper, et al.,  
for identification as Mississippi Choctaws, M.C.R. 7238.

---: D E C I S I O N :---

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by William Cooper for himself and his five minor children, Charlie, Neely, Ayah, John and Effie Cooper, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of John Washington, who is alleged to have been a full-blood Choctaw Indian.

(2)

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Cheetaw tribal authorities as a member of the Cheetaw tribe, or admitted to Cheetaw citizenship by a duly constituted court or committee of the Cheetaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said John Washington, or an agent less remote signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Cheetaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William Cooper, Charlie Cooper, Neely Cooper, Ayah Cooper, John Cooper and Effie Cooper, as Cheetaw Indians entitled to rights in the Cheetaw lands under the provisions of said article fourteen of the treaty of

(2)

eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

*Tamé Kirby.*

Chairman.

(SIGNED)

*T. B. Needles.*

Commissioner.

(SIGNED)

*C. R. Breckinridge.*

Commissioner.

Waskagee, Indian Territory,

MAY 12 1904

Commissioner.

Copy.

Muskogee, Indian Territory, May 12, 1904.

William Cooper,

Gibson Station, Indian Territory,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on May 12, 1904, rendered its decision refusing the application for identification as Mississippi Choctaws of the several persons included in the case of William Cooper et al., including you and your children, Charlie Cooper, Neely Cooper, Ayeh Cooper, John Cooper and Effie Cooper.

You are further notified that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*Tamr Bixby.*

Chairman.

Registered.

COPY. M.C.R. 7238

Muskogee, Indian Territory, May 12, 1904.

Mansfield, McMurray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered May 12, 1904, refusing the application for identification as Mississippi Choctaws of the several persons included in the case of William Cooper et al.

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*Jams Bixby.*  
Chairman.

Incl. MCR 7238.

Muskogee, Indian Territory, May 28, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

There is transmitted herewith the record in the case of William Cooper et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of May 12, 1904.

The Commission has the honor to report that the principal applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED)

*Earns Bixby.*  
Chairman.

Through the  
Commissioner of Indian Affairs.

Incl. MCR 7238.



(COPY)

DEPARTMENT OF THE INTERIOR  
OFFICE OF INDIAN AFFAIRS

Land.

WASHINGTON

June 11, 1904.

86700-1904.

The Honorable,

The Secretary of the Interior

Sir:

I have the honor to invite your attention to record of the Commission to the Five Civilized Tribes, in the matter of the application of William Cooper, for <sup>the</sup> identification of himself and his five minor children, Charlie, Neely, Aych, John and Effie Cooper, as Mississippi Choctaws, wherein a decision adverse to them was rendered by the Commission on May 18, 1904.

The record in this case shows that the applicants base their claims to a right to identification on their descent from John Washington, the grandfather of William Cooper, who is alleged to have been a full blood Choctaw Indian, a resident of Mississippi in 1830 and the head of a family at that time. As to whether this ancestor complied with the provisions of the Fourteenth Article of the Choctaw Treaty of 1830, the applicant in chief, who is the witness in the case, is unable to state.

The Commission rejected the applicants for the reason that its records failed to show that John Washington complied or attempted to comply with the provisions of the Fourteenth Article of the Choctaw Treaty of 1830, or the subsequent legislation relative thereto.

An examination of the records of this office has been made with reference to the name of John Washington, and it is ascertained that his name does not appear among the names of those Choctaw Indians who received land under the Fourteenth Article of the Choctaw Treaty of 1830, or scrip under the subsequent legislation relative thereto. Neither does his name appear among the names of those persons who were <sup>unsuccessful</sup> in their efforts to secure benefits under the Fourteenth Article. There was no person of the surname of Washington who received either land or scrip under the Fourteenth Article of the Treaty.

It is therefore my judgment that the decision of the Commission rejecting the applicants should be approved, and I so recommend.

Very Respectfully,

A. C. Tonner.

E.B.H.-L.C.

Acting Commissioner.

(COPY)

J.W.H.

DEPARTMENT OF THE INTERIOR

THE

WASHINGTON

July 21, 1904.

D.C. 25613-1904.

I.T.D. 4862-1904.

L.R.S.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory,

Gentlemen:

May 28, 1904 you transmitted the record in the matter of the application of William Cooper, et al (M.C.R. 7238), for identification as Mississippi Choctaws, including your decision of May 12, 1904, refusing to identify them as such.

Reporting in the matter June 28, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

Thos. Ryan.

Acting Secretary.

1 inclosure.

Muskogee, Indian Territory, August 1, 1904.

William Cooper,

Gibson Station, Indian Territory,

Dear Sir:

You are hereby notified that on the 21st day of July, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of William Cooper et al., of which decision you were advised by registered mail on the 12th day of May, 1904.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, August, 1, 1904.

Mansfield, McMurray & Cornish,  
Attorneys for Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory,  
Gentlemen:

You are hereby notified that on the 21st day of July, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of William Cooper et al., of which decision you were advised by mail on the 12th day of May, 1904.

Respectfully,

Commissioner in Charge.

n CHS

No.

7238

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 23 1903

Name William Cooper.

Age 45

Blood

$\frac{1}{4}$

Post Office, Gibson Station, I. T.

Father: Cooper Foglein

Mother: Alia Ann — d

Claims through mother +  $\frac{1}{2}$

wife.

Kate Cooper. I. neg  
No claim for wife -

Children:

~~Rona Cooper.~~

Charlie Cooper. 16

Neely " F. 12

Aych " M. 9

John " " 8

Ebbie " F. 6

Claim for self &  
5 minors

Stenographer Char. desjardins

William Barber, et al.

NOV

1904

MAY 20 1904

BY

CLERK.

NOT  
A  
1904

NOT  
1904

1904

Choctaw MCR 7239

William J. Freeman

MCR 7239



Department of the Interior  
Commission to the Five Civilized Tribes  
Muskogee, I.T. March 23, 1903.

---o---

In the matter of the application of William J. Freeman for the identification of himself as a Mississippi Choctaw.

Thomas & Harrison attorneys.

William J. Freeman being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A William J. Freeman.  
Q What is your age? A Twenty-eight.  
Q What is your post office address? A Rosie, Arkansas.  
Q How long have you lived in Arkansas? A Been there about twelve years.  
Q Where were you born? A Missouri.  
Q Where in Missouri? A Douglas, county.  
Q Did you go from there to Arkansas? A Yes, sir.  
Q Is your father living? A Yes, sir.  
Q Is your mother living? A Yes, sir.  
Q What is your father's name? A Rollins J. Freeman.  
Q What is your mother's name? A Margaret Ann  
Q Do you claim through your father or mother? A Father.  
Q How much Choctaw blood do you claim? A One-sixteenth.  
Q Do you claim your father is one-eighth? A Yes, sir.  
Q Has he ever been recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No, sir.  
Q Are you married? A Yes, sir.  
Q Is your wife living? A Yes, sir.  
Q What is her name? A Mindie.  
Q What is her blood, white woman? A Yes, sir.  
Q Do you claim for her? A No, sir.  
Q Have you any children? A No, sir.  
Q You claim for yourself alone? A Yes, sir.  
Q Is your name on any tribal roll of the Choctaw Nation in Indian territory? A No, sir.  
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities or the Dawes Commission under the act of Congress of June 10, 1896? A No, sir.  
Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States court in Indian Territory? A No, sir.  
Q Do you want to be identified now as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes, sir.

Article fourteen is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quartersection to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you understand that article well enough to claim under it? A Yes, sir.
- Q What is the name of your Choctaw ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Ball.
- Q What ball? A Alabeath.
- Q That was her maiden name? A Yes, sir.
- Q Who did she marry? A Aaron Freeman.
- Q How much Choctaw blood did she have? A One-half.
- Q Was he a white man? A Yes, sir.
- Q What relation was she to you? A Great grandmother.
- Q Whom did your father claim through? A His father.
- Q What was his name? A William J. Freeman.
- Q And he claimed through whom? A His mother Alabeath Ball or Freeman.
- Q Did any of your Choctaw ancestors, Alabeath Freeman or any other, live in Mississippi or Alabama in 1830 and have a family there then? A I don't know.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi River to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A They claim my great grandmother did.
- Q Alabeath Freeman went from Mississippi to the Choctaw Nation Indian Territory? A No, sir, I don't know, think not.
- Q Was she in Mississippi in 1830 and did she try to register under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors live on land in the old Choctaw Nation for five years and then get a patent from the government for that land? A No, sir not that I know of.
- Q Did any of your Choctaw ancestors claim any land in the old Choctaw Nation under article fourteen? A I don't know.
- Q Did any of your Choctaw ancestors own any improvement on land in Mississippi or Alabama in 1830 or 1831? A I don't know.

In 1837 by an act of Congress approved March 3 of that year and in 1842 by an act approved August 23d of that year, com-

missions were appointed which went to Mississippi and heard claims under article fourteen of the treaty of 1830. These commissions were appointed for the reason that a great many Choctaw Indians had tried to register under article fourteen of the treaty of 1830 within six months from the ratification, but had been prevented from doing so by Colonel Ward the agent, and because they were prevented their lands were afterwards taken from them and sold.

- Q Did any of your Choctaw ancestors go before either of these two commissions and claim any rights under that article? A I don't know.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land either in Mississippi, Alabama or Arkansas? A Not as I know of.

This scrip was issued under the act of Congress approved August 23, 1842.

- Q Are you related to John H. Bennight? A Yes, sir.
- Q Do you want to have your case considered under his? A Yes, sir.

The case of John H. Bennight M.C.R., 6355 is referred to for the purpose of consolidation.

Thirty days time is allowed this applicant from the date hereof in which to introduce other proof in this case.

This applicant has the appearance and physical characteristics of being descended from white parentage, dark brown hair, dark brown eyes, medium dark complexion, doesn't understand the Choctaw language and has no knowledge of a compliance on the part of any of his ancestors with the provisions of the treaty of 1830.

---o---

Chas. Diffendaffer, being first duly sworn states that as stenographer to the the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause taken at Muskogee, Indian Territory, March 23, 1903, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

*Chas. Diffendaffer.*

Subscribed and sworn to before me this 9th day of May 1903.

*Charles H. Sawyer.*

Notary Public.

COPY.

N. C. R. 7239.

Muskogee, Indian Territory, June 15, 1904.

William J. Freeman,  
Resic, Arkansas,

Dear Sir:-

You are hereby notified that the Commission to the Five Civilized Tribes, on June 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John H. Bennight et al., including you.

You are further notified that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

CHIEF

*Tams Bixby.*

*Chairman.*

Registered.

Muskogee, Indian Territory, May 8, 1905.

William J. Freeman,

Rosie, Arkansas.

Dear Sir:

You are hereby notified that on the 21st day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of John H. Bennight et al., of which decision you were advised by registered mail on the 15th day of June, 1904.

Respectfully,

Commissioner in Charge.

0

C 25

No.

7239

## FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date.

MAR 23 1903

Name

William J. Furman

Age

28

Blood

1/16

Post Office,

Rosie. Ark +

Father:

Rollins J. Furman, I

Mother:

Margaret A. .. I

Claims through

father 1/8

Wife,

Mindie Furman, I. W

No claim for wife -

Children:

Claims for self alone

Stenographer *Chas. A. J. J. J. J. J.*

FOR IDENTIFICATION

A MISSISSIPPI CHOCTAW

**REFUSED**

*William J. Freeman*

DECISION RENDERED JUN 15 1904

NOTICE OF DECISION FORWARDED  
APPLICANT

NOTICE OF DECISION  
FORWARDED ATTORNEY  
FOR APPLICANTS.

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

JUN 15 1904

RECORD FORWARDED DEPARTMENT  
AUG 16 1904

ACTION APPROVED BY  
SECRETARY OF INTERIOR.

APR 24 1905

NOTICE OF DEPARTMENTAL  
ACTION MAILED APPLICANT

MAY 1 1905

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT.

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

RECEIVED

6255

Choctaw MCR 7240

Mary Ann Barr

MCR 7240



Department of the Interior  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. March 23, 1903.

---o---

In the matter of the application of Mary Ann Barr for the identification of herself as a Mississippi Choctaw.

T. J. Cole attorney.

Mary Ann Barr being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A Mary Ann Barr.  
Q What is your age? A Fifty-five years old.  
Q What is your post office address? A Delight, Arkansas.  
Q How long have you lived there? A Five years.  
Q Where were you born? A Arkansas.  
Q Have you always lived in Arkansas? A No, sir.  
Q Where have you lived out of the state of Arkansas? A In the Territory.  
Q When did you live in the Territory? A When I was a child.  
Q How long did you live there? A Two or three years.  
Q And all the rest of the time you lived in Arkansas? A No, sir lived there since I have been married.  
Q How long have you lived in Arkansas this last time? A Five years.  
Q And before that time you were living in the Territory? A Two or three years.  
Q Is your father living? A No, sir.  
Q Is your mother living? A No, sir.  
Q What was your father's name? A Samuel Jordan.  
Q What was your mother's name? A Caroline Jordan.  
Q Through which parent do you claim Choctaw blood? A My mother.  
Q How much do you claim? A One-fourth.  
Q Do you claim your mother was one-half? A Yes, sir.  
Q Has she been recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or the United States authorities in Indian Territory? A Yes, sir.  
Q Do you want to change that answer? A Yes, sir.  
Q She was not enrolled then? A No, sir.  
Q Is your husband living? A Yes, sir.  
Q What is his race? A White man.  
Q Do you make any claim for your husband? A No, sir.  
Q Have you any minor children? A No, sir.  
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.  
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A Yes, sir.  
Q When did you make such application? A I couldn't hardly tell you, I did in 1896.

- Q Did you make application to the Choctaw tribal authorities or to the Dawes Commission in 1896? A Dawes Commission.
- Q What was done with your application made at that time before the Dawes Commission, allow or reject your citizenship? A Wasn't successful.
- Q Did you appeal from the decision of the Dawes Commission at that time? A No, sir.
- Q Then you never did any more about it? A No, sir.
- Q Did you ever make any application after that? A No, sir.
- Q Have you ever been enrolled as a Choctaw citizen by any authority whatever? A No, sir.
- Q Now do you come before the commission to be identified as a Mississippi Choctaw? A Yes, sir.
- Q Do you claim under article fourteen of the treaty of 1830? A Yes, sir.

Article fourteen is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of ~~xx~~ survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant ~~in~~ in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That is article fourteen of the treaty of 1830 under which you are making your claim today and means this: that those Indians who refused to go to the Choctaw Nation Indian Territory after the treaty of 1830 was signed, might stay back in Mississippi or Alabama taken land there and become citizens of the United States, but if they ever afterwards wanted to go to the Choctaw Nation Indian Territory they could do so and could become citizens of the Choctaw Nation same as the other Indians who went before.

- Q Do you understand that? A Yes, sir.
- Q Do you know if any of your Choctaw ancestors complied with that article or tried to, that are descended from Mississippi Choctaw Indians? A Yes, sir.
- Q What is the name of your ancestor that you claim through now? A Peabworth.
- Q What is the full name? A John Henry.
- Q He was a white man was he? A Yes, sir.

- Q Now he married whom? A Grandmother.
- Q What was her name? A Ptasey.
- Q How much Choctaw blood did she have? A Full blood.
- Q This was your grandfather and grandmother? A Yes, sir.
- Q Now did they live in Mississippi in 1830 and have a family there then? A Yes, sir.
- Q Do you know whether any of your Choctaw ancestors Patsey Pebworth or any other lived on land in the old Choctaw Nation for five years and at the end of that time receive a patent from the government under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors go to Colonel Ward the United States Indian Agent within six months after the treaty was ratified and register or attempt to register under article fourteen? A I have learned that.
- Q Did she go or did her husband go for her? A I don't know.
- Q Did she register or not? A She registered I think.
- Q Do you claim that her name is on any of the lists ~~that~~ as a beneficiary under article fourteen of the treaty of 1830? A Yes, sir.
- Q Did you say that her name was, or her husband's name, or don't you know? A I don't know.
- Q Now do you know whether any of your Choctaw ancestors Patsey Pebworth or any other, went from the old Choctaw Nation east of the Mississippi River to the Choctaw Nation Indian Territory between the years 1833 and 1838 or at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A Yes, sir, I think they did.
- Q Do you know? A No, sir I don't know.
- Q Did any of your Choctaw ancestors own any improvement on land in the old Choctaw Nation in 1830? A Yes, sir.
- Q Do you know where those improvements were? A No, sir.
- Q Do you know what those improvements consisted of? A No, sir.

In 1837 by an act of Congress approved March 3d of that year and in 1842 by an act approved August 23d of that year, commissions were appointed which went to Mississippi and heard claims under article fourteen of the treaty of 1830. These Commissions were appointed to hear the complaints of Indians who had tried to register under article fourteen of the treaty of 1830 but had been refused the right to register by Colonel Ward, the agent, and because they had been refused their land had been taken from them and sold.

- Q Do you know if any of your ancestors went before these commissions and claimed any benefits under article fourteen of the treaty of 1830? A Yes, sir, I think they did.
- Q What proof have you of that fact? A I heard so.
- Q Before which commissions did they go 1837 or 1842? A I don't know.
- Q That is family history and tradition is it? A Yes, sir.
- Q You are pretty sure about that are you? A Yes, sir.
- Q Did any of your Choctaw ancestor of yours receive any scrip from the government which entitled him to select land in Mississippi, Alabama, Louisiana or Arkansas? A No, sir.

7240-4

- Q Is the name of Patsey Pebworth or John Henry Pebworth, or any other ancestor of yours on any list of names of those who received scrip from the government under the act of Congress of August 23, 1842? A I don't know.
- Q Do you speak or understand the Choctaw language? A No, sir.

Thirty days time is allowed this applicant from this date in which to introduce other proof in this case.

By attorney:

- Q What was your father's name? A Samuel Jordan.
- Q What was your mother's name? A Caroline Jordan.
- Q Through which one do you claim? A My grandmother - my mother.
- Q Who was your mother's mother? A Patsey Pebworth.
- Q Who was your mother's father? A John H. Pebworth.
- Q You are sure it is John H. Pebworth? A Henry Pebworth, Yes, sir.
- Q What relation was Henry Pebworth and his wife Patsey Pebworth? A Grandfather and grandmother.
- Q What relation are you to Amy Pebworth and Caroline Pebworth? A Caroline is my mother and the other is my aunt.
- Q Where did your ancestor come from? A Come from Mississippi.
- Q How do you know that? A Been told it through the family.

By Commission:

- Q What relation is Vassie Pebworth to you if any? A I don't know anybody by that name.

By attorney:

- Q Who did John Pebworth marry, your uncle? A Her name was - I don't know - Susan.
- Q Who is she now? A She is dead now.

By commission:

This applicant has the appearance and physical characteristics of being descended from white parentage, gray hair formerly black, her eyes are black, complexion medium light; she is related to Mary A. Clover and Matilda Clover and also claims through the same ancestor as Vassie Pebworth; but this applicant doesn't know Vassie Pebworth and whether she is related to her or not: she had no knowledge of the Choctaw language and no knowledge of a compliance on the part of any of her ancestors with the provisions of article fourteen of the treaty of 1830.

---0---

Chas. Diffendaffer, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he

7242-5

reported the proceedings had in the above entitled cause taken at Muskogee, Indian Territory, March 23, 1903, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

*Chas. Diffendaffer.*

Subscribed and sworn to before me this 9th day of May 1903.

*Charles H. Sawyer*

Notary Public.

COPY:

M.C.R. 7240

Muskegee, Indian Territory, October 27, 1903.

Mary Ann Barr,

Delight, Arkansas,

*Received Birmingham I. T. Dec. 19, 1903.*

Dear Madam:

You are hereby notified that on October 27, 1903, the Commission to the Five Civilized Tribes rendered a decision identifying you as a Mississippi Choctaw.

You are advised that a copy of the decision above referred to has this day been forwarded Messrs. Mansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations, and they have been allowed fifteen days from the date hereof within which to file such protest as they may desire to the action of the Commission in identifying you as a Mississippi Choctaw. If any such protest is filed by the attorneys for the Nations you will be notified thereof, but in the event no objection is entered by the Nations to the action of the Commission, its decision of October 27, 1903, will become final.

In this connection your attention is invited to the following provision of the act of Congress approved July 1, 1902, (32 Stat., 641):

"All persons duly identified by the Commission to the Five Civilized Tribes under the provisions of section 21 of the act of Congress approved June 23, 1900, (30 Stats., 498)

as Mississippi Choctaws entitled to benefits under article 14 of the treaty between the United States and the Choctaw Nation concluded September 27, 1830, may, at any time within six months after the date of their identification as Mississippi Choctaws by the said Commission make bona fide settlement within the Choctaw-Chickasaw country, and upon proof of such settlement to such Commission within one year after the date of their said identification as Mississippi Choctaws shall be enrolled by such Commission as Mississippi Choctaws entitled to allotment as herein provided for citizens of the tribes, subject to the special provisions herein provided as to Mississippi Choctaws, and said enrollment shall be final when approved by the Secretary of the Interior."

Under the above provision of law the person identified in the decision of October 27, 1903, above referred to, in order to avail herself of such identification, must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before April 27, 1904, and must make proof of such removal and settlement on or before October 27, 1904, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

*T. B. Needles.*  
Commissioner in Charge.

Registered.

M.C.R. 7240.

Muskogee, Indian Territory, April 6, 1904.

Mary Ann Barr,  
Bennington, Indian Territory,

Dear Madam:

You are hereby notified that on the 6th day of April, 1904, the Secretary of the Interior affirmed the decision of this Commission identifying you as a Mississippi Choctaw Indian, of which decision you were advised by registered mail on the 27th day of October, 1903.

Respectfully,

(SIGNED)

Commissioner in Charge.



Muskogee, Indian Territory, April 12, 1904.

Mary Ann Barr,

Bennington, Indian Territory,

Dear Madam:

You are hereby notified that on the 5th day of April, 1904, the Secretary of the Interior affirmed the decision of this Commission identifying you as a Mississippi Choctaw, of which decision you were advised by registered mail on the 27th day of October, 1903.

You are further advised that you will have until April 27th, 1904, to remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, and will have six months from that date, or until October 27, 1904, in which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

(SIGNED)

*T. B. Needles*

Registered.

Commissioner in Charge.

No. 7240

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 23 1903

Name Mary Ann Barr

Age 55 Blood 1/4

Post Office, Delight, Ark.

Father: Samuel Jordan d

Mother: Caroline " d

Claims through mother,  $\frac{1}{2}$

Husband

George W. Barr l. w

No claim for husband

Children:

Claim for self  
alone

Stenographer Chas. A. H. H. H. H.

FOR IDENTIFICATION  
A MISSISSIPPI LAW

REV

Mary Ann Barr

IDENTIFIED

DECISION RENDERED

OCT 27 1904

NOTICE OF DECISION FORWARDED  
APPLICANT 1904

NOTICE OF DECISION  
FORWARDED ATTORNEY

FCH AFF. 1904

OCT 27 1904

COPY OF DECISION FORWARDED  
ATTORNEY FOR CHICKASAW AND  
CHICKASAW NATIONS.

OCT 27 1904

NOTICE OF DECISION FORWARDED

OCT 27 1904

ACTION FORWARDED  
SECRETARY 1904

APP 1904

NOTICE OF DECISION FORWARDED  
ACTION MAILED 1904

APP 1904

APP 1904

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT.

1904

APP 1904

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR CHICKASAW AND  
CHICKASAW NATIONS.

APP 1904

REFER TO M. C. R.

12/19/03 R.C.

Choctaw MCR 7241.

Benjamin J. Guice

MCR 7241

Department of the Interior  
Commission to the Five Civilized Tribes  
Muskogee, I.T. March 23, 1903.

---o---

In the matter of the application of Benjamin J. Guice for the identification of himself as a Mississippi Choctaw.

T. J. Cole attorney.

Benjamin J. Guice being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A Benjamin J. Guice.  
Q What is your age? A Thirty-two.  
Q What is your post office address? A Wolfe Creek, Arkansas.  
Q How long have you lived in Arkansas? A Born in Arkansas and lived there all my life.  
Q How long have you lived in Wolfe Creek? A About nine years.  
Q Is your father living? A No, sir.  
Q Is your mother living? A Yes, sir.  
Q What is your father's name? A M. T. Guice.  
Q And your mother's name is? A Mary Ann Burr.  
Q Do you claim Choctaw blood through your mother? A Yes, sir.  
Q How much do you claim? A One-eighth.  
Q Do you claim your mother is one-fourth? A Yes, sir.  
Q Has she been recognized or enrolled as a member of the Choctaw tribe by the Choctaw tribal authorities or the United States authorities in Indian Territory? A Not that I know of.  
Q She has made application to be identified as a Mississippi Choctaw today? A Yes, sir.  
Q Just now? A Yes, sir.  
Q Are you married? A No, sir.  
Q You make claim for yourself alone? A Yes, sir.  
Q Is your name on any tribal roll of the Choctaw Nation in Indian Territory? A No, sir.  
Q Have you ever made application for citizenship in the Choctaw Nation either to the Choctaw tribal authorities or to the Dawes Commission under the act of Congress of June 10, 1896? A No, sir.  
Q Was application made for you before the commission in 1896? A No, sir.  
Q Is your name on any tribal roll of the Choctaw Nation, placed there by any authority whatever? A No, sir.  
Q You claim the right now to be identified as a Mississippi Choctaw? A Yes, sir.  
Q Do you claim under article fourteen of the treaty of 1830? A Yes, sir.  
Q Do you understand that article?

It is as follows.

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Did any of your ancestors comply or attempt to comply with that article? A I have heard it through my mother.
- Q Who tried? A Patsy Pebworth.
- Q What relation was she to you? A Great grandmother.
- Q How much Choctaw blood did she have? A Full blood.
- Q What was her husband's name? A Henry Pebworth.
- Q She said John Henry which is it? A I just heard it Henry.
- Q Did he have any Choctaw blood? A No, sir.
- Q Did she within six months after the treaty was ratified go to the United States Indian agent, Colonel Ward and register or attempt to register under article fourteen of the treaty of 1830? A I don't know.
- Q Did she own any improvement on land in the old Choctaw Nation in 1830? A I have been told she did.
- Q Is that a matter of family history? A Yes, sir.
- Q Did she go from the old Choctaw Nation east of the Mississippi River to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A I don't know.
- Q You heard her testimony a little while ago didn't you? A Yes, sir.
- Q And you would like to have your case considered with hers? A Yes, sir.

Mary Ann Barr, mother of this applicant, M.C.R. 7240, is referred to for the purpose of consolidation under the head application of Vassie Pebworth.

- Q Do you know personally any Vassie Pebworth who was related to your family in some way? A No, sir.
- Q Did any of your Choctaw ancestors live on land in the old Choctaw Nation either in Mississippi or Alabama for five years and at the end of that time get a deed or patent from the government? I don't know.

- Q Did any of your choctaw ancestors claim any land or benefits of any kind under article fourteen, in Mississippi or Alabama? A I don't know.
- Q Did any of them go before the commission of 1837 or 1842, which commissions were appointed to hear Mississippi Choctaw claimants who had tried to register under article fourteen of the treaty of 1830 and had been refused by Colonel Ward, and claim any right under article fourteen of that treaty? A I don't know.

These Indians who had tried to register under Colonel Ward and had been refused by him had their lands taken from them and sold at the public land sales of the government.

- Q Do you know if any of your choctaw ancestors received any scrip from the government which entitled them to select land in Mississippi, Alabama or Arkansas, under article fourteen of the treaty of 1830? A No, sir, I don't know.

This scrip was issued under the act of Congress approved August 23, 1842 and was given to those Choctaw Indians who proved their right under article fourteen and also proved their lands had been taken from them and sold.

- Q What is your mother's name, A Mary Barr.
- Q What relation to you is Mary Clover? A She is my great aunt.

By attorney:

- Q What relation to you is Matilda Clover? A Great aunt.
- Q Both great aunts? A Yes, sir.
- Q What relation is W. M. Clover? A Second cousin.

By Commission:

- Q Now these people have been before the Commission to be identified as Mississippi choctaws and claim through Patsey Pebworth and also claim through Vassie Pebworth, do you want to have your case considered with their case? A Yes, sir.

The case of Vassie Pebworth is referred to for the purpose of consolidation, M.C.R. 6144.

Thirty days time is allowed this applicant in which to introduce other proof in this case.

This applicant has the appearance and physical characteristics of being descended from white parentage, blue eyes, reddish brown mustache, black hair, medium fair complexion somewhat ruddy; doesn't understand the choctaw language and has no knowledge of a compliance on the part of any of his ancestors with the provisions of article fourteen of the treaty of 1830.

Chas. Diffendaffer, being first duly sworn states that as

7841-4

stenographer to the commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause taken at Muskogee, Indian Territory, March 23, 1903, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

*Chas. Diffendaffer*

Subscribed and sworn to before me this 9<sup>th</sup> day of May 1903.

*Charles H. Sawyer*

Notary Public.



COPY.

Muskogee, Indian Territory, October 27, 1903.

Benjamin J. Guice,

Wolf Creek, Arkansas,

Dear Sir:

You are hereby notified that on October 27, 1903, the Commission to the Five Civilized Tribes rendered a decision identifying you as a Mississippi Choctaw.

You are advised that a copy of the decision above referred to has this day been forwarded Messrs. Mansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations, and they have been allowed fifteen days from the date hereof within which to file such protest as they may desire to the action of the Commission in identifying you as a Mississippi Choctaw. If any such protest is filed by the attorneys for the Nations you will be notified thereof, but in the event no objection is entered by the Nations to the action of the Commission, its decision of October 27, 1903, will become final.

In this connection your attention is invited to the following provision of the act of Congress approved July 1, 1902, (32 Stat., 641):

"All persons duly identified by the Commission to the Five Civilized Tribes under the provisions of section 21

B. J. G. - 2

of the act of Congress approved June 28, 1898, (30 Stats., 495) as Mississippi Choctaws entitled to benefits under article 14 of the treaty between the United States and the Choctaw Nation concluded September 27, 1830, may, at any time within six months after the date of their identification as Mississippi Choctaws by the said Commission make bona fide settlement within the Choctaw-Chickasaw country, and upon proof of such settlement to such Commission within one year after the date of their said identification as Mississippi Choctaws shall be enrolled by such Commission as Mississippi Choctaws entitled to allotment as herein provided for citizens of the tribes, subject to the special provisions herein provided as to Mississippi Choctaws, and said enrollment shall be final when approved by the Secretary of the Interior."

Under the above provision of law the person identified in the decision of October 27, 1903, above referred to, in order to avail himself of such identification, must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before April 27, 1904, and must make proof of such removal and settlement on or before October 27, 1904, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

(SIGNED)

*T. B. Needles.*  
Commissioner in Charge.

Registered.

M C R 7241

Muskogee, Indian Territory, October 31, 1903.

Benjamin J. Guice,  
Lockesburg, Sevier County,  
Arkansas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 26th instant, in which you ask to be advised when you will be "enrolled."

In reply you are informed that on October 27, 1903, the Commission notified you by registered mail, at Wolf Creek, Arkansas, your last known post office address, of its decision in your case, a copy of said letter being herewith enclosed.

Respectfully,

Commissioner in Charge.

McM 40

Muskogee, Indian Territory, January 13, 1904.

B. J. Guice,

Boswell, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of December 15, 1903, in which you state "I received my notice that I was enrolled Oct. 27 as a Mississippi Choctaw. I have moved to the I.T. I want to know if I can settle on land now and how, or must I wait till the Interior notifies me."

In reply you are informed that it appears from our records that on October 27, 1903, the Commission rendered a decision identifying the several applicants included in the consolidated Mississippi Choctaw case of Matilda Clover, et al., as Mississippi Choctaws entitled to allotment in the lands of the Choctaw and Chickasaw Nations.

On November 17, 1903, Messrs. Mansfield, McKurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, filed a motion for a reconsideration of the decision of the Commission of October 27, 1903, in the consolidated Mississippi Choctaw case of Matilda Clover, et al., and said motion was denied by the Commission on this date.

B J G 2

You are further advised that the Commission has on this day forwarded to the Secretary of the Interior the original record in the matter of the application of Matilda Clover, et al. for identification as Mississippi Choctaws, together with its decision of October 27, 1903, and the additional procedure had upon the motion of the attorneys for the Choctaw and Chickasaw Nations for a reconsideration of said decision, and you will be duly notified of such departmental action as may be taken in said case.

Respectfully,

Chairman.

COPY.

M.C.R. 7241.

Muskogee, Indian Territory, April 5, 1904.

Benjamin J. Guice,

Boswell, Indian Territory,

Dear Sir:

You are hereby notified that on the 6th day of April, 1904, the Secretary of the Interior affirmed the decision of this Commission identifying you as a Mississippi Choctaw Indian, of which decision you were advised by registered mail on the 27th day of October, 1903.

Respectfully,

*T. B. Needles.*

Commissioner in Charge.

Muskogee, Indian Territory, April 12, 1904.

Benjamin J. Guice,

Boswell, Indian Territory,

Dear Sir:

You are hereby notified that on the 5th day of April, 1904, the Secretary of the Interior affirmed the decision of this Commission identifying you as a Mississippi Choctaw, of which decision you were advised by registered mail on the 27th day of October, 1903.

You are further advised that you will have until April 27th, 1904, to remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, and six months from that date, or until October 27, 1904, in which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

(SIGNED)

*T. B. Needles.*  
Commissioner in Charge.

Registered.

9

No. 7241

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

MAR 23 1903

Date

Name Benjamin J. Guice

Age 33

Blood

1/8

Post Office, Wolf Creek, Ark

Father: M. T. Guice d

Mother: Mary Ann Barr, l

Claims through mother  $\frac{1}{4}$

Children:

Claim for self  
alone

Stenographer Chas. Jeffers, J. B. B.



FOR IDENTIFICATION AS B. 72  
A MISSISSIPPI CHICKASAW

Benjamin F. Grice

IDENTIFIED

DECISION RENDERED

OCT 27 1903

NOTICE OF DECISION FORWARDED

APPLICANT

OCT 27 1903

NOTICE OF DECISION

FORWARDED ATTORNEY

FOR APPLICANT

OCT 27 1903

COPY OF THIS DECISION FORWARDED  
TO THE CHIEF OF BUREAU OF INDIAN AFFAIRS  
AND CHICKASAW NATIONS.

OCT 27 1903

RECORD FORWARDED TO BUREAU

JAN 1 1904

JOHN W. LUTHER  
SECRETARY OF BUREAU

REFER TO M. C. R.

Refer to M. C. R. 100-100-100

Choctaw MCR 7242

Charlie McClosky

MCR 7242

Department of the Interior  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. March 23, 1903.

---0---

In the matter of the application of Henry C. McClosky for the identification of his two minor children Charlie and Henry McClosky, as Mississippi Choctaws.

T. J. Cole attorney.

Henry C. McClosky being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A Henry C. McClosky.  
Q What is your age? A Thirty-two.  
Q What is your post office address? A Foreman, Arkansas.  
Q How long have you lived in Foreman? A About twelve months.  
Q Where did you live before that? A Hot Springs.  
Q How long there? A Six years.  
Q Where before that? A Close to Goodwater, Choctaw Nation.  
Q Before that you lived where? A Texas.  
Q Born and raised in Texas? A Yes, sir.  
Q Is your father living? A Yes, sir.  
Q Is your mother living? A No, sir.  
Q What is your father's name? A J. H. McClosky.  
Q You are a white man are you? A Yes, sir.  
Q Is your wife living? A No, sir, she is dead been dead about six weeks.  
Q What was the name of the mother of these children? A Lura F.  
Q How many children have you? A Two.  
Q Do the children claim through their mother? A Yes, sir.  
Q Your wife Lura F. McClosky? A Yes, sir.  
Q How much Choctaw blood did she have? A One-eighth.  
Q How much do you claim for the children? A One-sixteenth.  
Q You say your wife has been dead how long? A About six weeks.  
Q What is the name of the eldest child? A Charlie.  
Q How old is he? A Two years old.  
Q The next? A Henry.  
Q How old? A Nine weeks.  
Q You claim for your two children? A Yes, sir.  
Q Have you the proof of your marriage to your wife with you? A Yes, sir.  
Q When were you married to your wife? A February 1894.  
Q By a minister under a license? A Yes, sir.  
Q Where were you married to her? A Arkansas.  
Q Is Lura your deceased wife the mother of these two children? A Yes, sir.  
Q And you make application for them because she is dead and they are living with you and you are doing this to protect their rights? A Yes, sir.  
Q Are the names of these children on any tribal roll of the Choctaw Nation in Indian Territory? A No, sir.

- Q Do you now come before the commission to identify these children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes, sir.

Article fourteen is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q What is the name of the ancestor of these children that you are making this application for now? A Pebworth.
- Q Just Pebworth? A Patsey Pebworth.
- Q Was her husband's name Henry or John Henry or don't you know? A I don't know.
- Q How much Choctaw blood did Patsey Pebworth have? A Full blood.
- Q What relation to these children? A Great grandmother.
- Q She was great grandmother of your wife Lura? A Great great.
- Q Then she is the great great grandmother? A Yes, sir.
- Q What relation was she to these children? A Great great grandmother.
- Q Did Patsey Pebworth or any other of their ancestors live on land in the old Choctaw Nation either in Mississippi or Alabama for five years after the treaty was ratified and at the end of that time get a patent from the government for that land? A I don't know.
- Q Did she with her husband live in the old Choctaw Nation in 1830 and have a family there then? A I don't know.
- Q Did she go to Colonel Ward within six months after the treaty was ratified and try to register? A No, sir.
- Q Did she go from the old Choctaw Nation east of the Mississippi River to the Choctaw Nation Indian Territory with the other Indians between the years 1833 and 1838 or 1840? A I don't know.
- Q Did she go at any other time between the ratification of the treaty of 1830 and the date of this application made by you today? A Not that I know-of.
- Q Did she own any improvement on land in the old Choctaw in 1830? A I don't know.

Q Did any of the Choctaw ancestors of these children go before the Commission of 1837 or before the Commission of 1842 and claim any benefit under article fourteen of the treaty of 1830? A I don't know.

Q These commissions were appointed under various acts of Congress to hear the complaints of Indians who tried to register under article fourteen of the treaty of 1830 but were not allowed to do so by Colonel Ward, and because they could not register their lands were taken from them by the agents of the government and sold at the public land sales of the government.

Q Did any of these Choctaw ancestors receive scrip from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A I don't know.

This scrip was issued under the act of Congress of August 23, 1842 and was given to those Indians who proved their right under article fourteen and also proved that their lands in the old Choctaw Nation had been taken from them and sold by the government.

Thirty days time will be allowed this applicant in this application, in which makes claim for his minor children, to introduce other proof in this case.

Q Do you know of any relation existing between your wife and Vassie Pebworth? A No, sir I don't know of any.

By Attorney:

Q What relation was your wife to Mary Clover? A I don't know.

Q Will Clover was what relation? A Second cousin.

Q What was her mother's name? A Prudie Davis.

Q Who did she marry? A Married Tucker.

Q Then your mother-in-law's name was Prudie Davis Tucker? A She was Davis before she married.

Q What was her mother's name? A Pebworth.

Q What Pebworth? A Amie Pebworth.

Q Now do you know what relation Amie Pebworth is to Carol Jordan? A No, sir.

Q Mary Clover was some relation to Amie Pebworth, what relation is your wife to her? A They must have been aunts.

Q Do you know Will Clover? A Yes, sir.

Q What relation is your wife to Will? A Second cousin.

By commission:

This applicant is a white man makes application for his children but he knows very little about the Choctaw claims of his children; he can hardly connect the relationship of these children with any persons or persons who have been before the Commission; he speaks of one William M. Clover.

Q What relation is he to the children? A Third cousin.

7242-4

Q Are you related to Benj. J. Guice? A Yes, sir.  
Q What relation? A Second cousin.  
Q Benjamin J. Guice has made application today for identification as a Mississippi Choctaw? A Yes, sir.

The case of Mary Ann Barr is referred to.

---o---

Chas. Diffendaffer, being first duly sworn states that as stenographer to the Commission to the five Civilized Tribes he reported the proceedings had in the above entitled cause taken at Muskogee, Indian Territory March 23, 1903, and that the foregoing is a full true and correct transcript of his stenographic notes taken in said cause on said date.

*Chas. Diffendaffer*

Subscribed and sworn to before me this 9th day of May 1903.

*Charles H. Sawyer*

Notary Public.

Muskogee, Indian Territory, April 8, 1903.

T. J. Cole,  
Waxahachie, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 6th instant, enclosing certified copy of marriage license and certificate between H. C. McCluskey and Miss L. F. Tucker offered in support of the application made by Henry C. McClosky for the identification of his two minor children as Mississippi Choctaws. The same has been filed with the record in this case.

Respectfully,

Chairman.

Muskogee, Indian Territory, January 14, 1904.

H. C. McClosky,  
Foreman, Arkansas.

Dear Sir:

Receipt is hereby acknowledged of your letter dated December 14, 1903, in which you ask if there has been any contest filed against the action of the Commission in identifying your two minor children, Charlie and Henry McClosky, as Mississippi Choctaws.

In reply you are informed that it appears from our records that on October 27, 1903, the Commission rendered a decision identifying the several applicants included in the consolidated Mississippi Choctaw case of Matilda Clover, et al., of which the application made by you for the identification of your two minor children, Charlie and Henry McClosky, is a part.

On November 17, 1903, Messrs. Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, filed a motion for a reconsideration of the decision of the Commission of October 27, 1903, in the consolidated Mississippi Choctaw case of Matilda Clover, et al., and said motion was denied by the Commission on January 13, 1904.

You are further advised that the original record in the



H C McC 2

matter of the application of Matilda Clover, et al. for identification as Mississippi Choctaws, together with the decision of the Commission of October 27, 1903, and the additional procedure had upon the motion of the attorneys for the Choctaw and Chickasaw Nations for a reconsideration of said decision, has been forwarded to the Secretary of the Interior and you will be duly notified of such action as may be taken by him.

Respectfully,

Chairman.

H.C.R. 7242.

Muskogee, Indian Territory, April 6, 1904.

Henry C. McClosky,

Perman, Arkansas,

Dear Sir:

You are hereby notified that on the 6th day of April, 1904, the Secretary of the Interior affirmed the decision of this Commission identifying Charlie McClosky and Henry McClosky as Mississippi Choctaw Indians, of which decision you were advised by registered mail on the 27th day of October, 1903.

Respectfully,

*T. B. Needles.*

Commissioner in Charge.

M.O.R. 7242.

COPY.

Muskogee, Indian Territory, October 27, 1903.

Henry C. McGlosky,

Foreman, Arkansas.

Dear Sir:

You are hereby notified that on October 27, 1903, the Commission to the Five Civilized Tribes rendered a decision identifying Charlie McGlosky and Henry McGlosky as Mississippi Choctaws.

You are advised that a copy of the decision above referred to has this day been forwarded Messrs. Mansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations, and they have been allowed fifteen days from the date hereof within which to file such protest as they may desire to the action of the Commission in identifying the above named persons as Mississippi Choctaws. If any such protest is filed by the attorneys for the Nations you will be notified thereof, but in the event no objection is entered by the Nations to the action of the Commission, its decision of October 27, 1903, will become final.

In this connection your attention is invited to the following provision of the act of Congress approved July 1, 1902, (32 Stat., 641):

"All persons duly identified by the Commission to

H. C. McC., 2.

the Five Civilized Tribes under the provisions of section 21 of the act of Congress approved June 28, 1898, (30 Stat., 495) as Mississippi Choctaws entitled to benefits under article 14 of the treaty between the United States and the Choctaw Nation concluded September 27, 1830, may, at any time within six months after the date of their identification as Mississippi Choctaws by the said Commission make bona fide settlement within the Choctaw-Chickasaw country, and upon proof of such settlement to such Commission within one year after the date of their said identification as Mississippi Choctaws shall be enrolled by such Commission as Mississippi Choctaws entitled to allotment as herein provided for citizens of the tribes, subject to the special provisions herein provided as to Mississippi Choctaws, and said enrollment shall be final when approved by the Secretary of the Interior."

Under the above provision of law the persons identified in the decision of October 27, 1903, above referred to, in order to avail themselves of such identification, must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before April 27, 1904, and must make proof of such removal and settlement on or before October 27, 1904, at the office of the Commission, at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

(SIGNED)

*I. B. Needles.*  
Commissioner in Charge.

Registered.

Muskogee, Indian Territory, April 12, 1904.

Henry C. McClosky,

Foreman, Arkansas,

Dear Sir:

You are hereby notified that on the 5th day of April, 1904, the Secretary of the Interior affirmed the decision of this Commission identifying Charlie McClosky and Henry McClosky as Mississippi Choctaws, of which decision you were advised by registered mail on the 27th day of October, 1903.

You are further advised that the persons so identified have until April 27th, 1904, to remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, and six months from that date, or until October 27, 1904, in which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

(Signature)

*T. B. Needles.*

Commissioner in Charge.

Registered.

N.

CK

No.

7242

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 23 1903

Name *Herry C. McClosky* <sup>White</sup>  
*for 2 minors*  
Age *33* Blood *white*

Post Office, *Foreman Ark.*

Father: *J. H. McClosky* <sup>Herry C. McClosky</sup>

Mother: *Laura F. McClosky* <sup>18</sup>  
*Chickson*

Claims through mother  $\frac{1}{8}$   
father makes no  
claim for self -

Children: *46*

*Charlie McClosky, 2.*

*Herry "9 years, 3 weeks"*

*Claims for self*  
*and 2 minors*

Stenographer *Chas. Reppendoff*

IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW

Charlie McBlosky, et

IDENTIFIED

DECISION RENDERED

OCT 27 1903

NOTICE OF DECISION FORWARDED  
APPLICANT OCT 27 1903

NOTICE OF DECISION  
FORWARDED ATTORNEY  
FOR APPLICANTS.

COPY OF DECISION FORWARDED  
ATTORNEY FOR CHOCTAW AND  
CHICKASAW NATIONS.

RECORD FORWARDED DEPARTMENT.  
JAN 11 1904

SECRETARY

APR 6 1904

APR 12 1904

NOTICE

1904

1904

1904

NOTICE OF DECISION FORWARDED  
ATTORNEY FOR CHOCTAW AND  
CHICKASAW NATIONS.

1904

REFER TO M. C. R.

Choctaw MCR 7243

Henry Tucker

MCR 7243

17



Department of the Interior  
Commission to the Five Civilized Tribes  
Muskogee, I.T. March 23, 1903.

---0---

In the matter of the application of Henry Tucker for the identification of himself as a Mississippi Choctaw.

T. J. Cole attorney.

Henry Tucker being first duly sworn testifies as follows:

Examination by Commission:

- Q What is your name? A Henry Tucker.  
Q What is your age? A Twenty-nine.  
Q What is your post office address? A Grant, Indian Territory, Choctaw Nation.  
Q How long have you lived there? A Three years.  
Q Where did you live before that? A Hot Springs, Arkansas.  
Q Where were you born? A Clark Arkansas.  
Q And always lived there until you come to the Territory? A Yes, sir.  
Q Is your father living? A No, sir.  
Q Is your father living? A No, sir.  
Q What is your father's name? A Pinkney C. Tucker.  
Q Your mother's name was what? A Prudie Ann Davis.  
Q That was her maiden name? A Yes, sir.  
Q Then her name became Prudie Ann Tucker? A Yes, sir.  
Q Do you claim Choctaw blood through your father or mother? A My mother.  
Q How much do you claim? A One-eighth.  
Q How much do you claim your mother had? A One-fourth.  
Q Has your mother been recognized or enrolled as a member of the Choctaw tribe by the Choctaw tribal authorities or the United States authorities in Indian Territory? A Yes, sir I have been told she has.  
Q In Indian Territory? A Yes, sir.  
Q Put on the roll in Indian Territory? A No, sir never been enrolled.  
Q Then you want to change that answer do you? A Yes, sir.  
Q Are you married? A Yes, sir.  
Q What is your wife's name? A Mary Tucker.  
Q Is your wife living? A Yes, sir.  
Q White woman? A Yes, sir.  
Q Do you make any claim for her? A No, sir.  
Q Have you any children? A No, sir.  
Q You claim for yourself alone do you? A Yes, sir.  
Q Is your name on any tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.  
Q Have you ever made application for citizenship in the Choctaw Nation either to the Choctaw tribal authorities in Indian Territory or to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A Yes, sir.

- Q When did you make this application? A In August 1896.  
 Q Under the act of June 10, 1896? A Yes, sir.  
 Q What was done with that application made by you, were you admitted or refused? A I was refused.  
 Q Did you take an appeal? A No, sir.  
 Q Then you have never done anything since then to get citizenship in the Choctaw Nation? A No, sir.  
 Q Have you ever been admitted to citizenship either by the Choctaw Tribal authorities, the Commission to the Five Civilized Tribes or the United States court in Indian Territory? A No, sir.  
 Q Do you come before the Commission now to be identified as a Mississippi Choctaw? A Yes, sir.  
 Q Do you claim under article fourteen of the treaty of 1830? A Yes, sir.

Article fourteen is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q That is article fourteen of the treaty of 1830 under which you are making your claim today. Do you understand it well enough to claim under it? A Yes, sir.  
 Q What is the name of your ancestor through whom you are now making your claim to be identified as a Mississippi Choctaw? A Pebworth.  
 Q What was her other name? A Patsey.  
 Q How much choctaw blood did she have? A Full blood.  
 Q What relation was she to you? A Great grandmother.  
 Q What was her husband's name? A Henry Pebworth.  
 Q Did he have any choctaw blood? A No.  
 Q Was he a white man? A Yes, sir.  
 Q Do you know whether they lived in Mississippi or Alabama in 1830 and were the head of a family there then? A No, sir.  
 Q Do you know whether they lived on land in the old choctaw Nation for five years and at the end of that time got a patent from the government for that land? A I don't know.

- Q Did any of your Choctaw ancestors go to the United States Indian Agent, Colonel Ward, within six months after the ratification of the treaty and register or attempt to register under article fourteen? A I don't know.
- Q Did either claim any land under article fourteen? A I don't know.
- Q Did any of these people go before any commission in 1837 or 1842 and claim any benefit under article fourteen of the treaty of 1830? A I don't know.

These commissions were appointed one in 1837 by an act approved March 3d of that year and the other by an act approved August 23, 1842, and heard claims under article fourteen of the treaty of 1830 because they claimed that they had within six months from the ratification of the treaty attempted to register but had been prevented from doing so by Colonel Ward, and as a result their lands had been taken from them and sold by the government at its public land sales.

- Q Do you know whether any of your ancestors went from the old Choctaw Nation east of the Mississippi River to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A I don't know.
- Q Did either of them, or any Choctaw ancestor of yours, own any improvement on land in the old Choctaw Nation in 1830? A I don't know.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A I don't know.

This scrip was issued under the act of Congress approved August 23, 1842 and was issued to those Choctaw Indians who claimed rights under article fourteen and proved their right and also proved their lands had been taken from them and sold.

- Q Do you speak or understand the Choctaw language? A No, sir.

Thirty days time will be allowed this applicant in which to introduce other proof in this case.

- Q Do you know whether you are related to Vassie Febworth? A I don't know.
- Q To Mary Clover? A Yes, sir.
- Q What relation? A Second cousin.
- Q What relation to Matilda Clover, if any? A I don't know.
- Q Are you related to W. M. Clover? A Second cousin.
- Q W. M. and Matilda Clover have both been before the Commission claiming through the same ancestor and also claim through Vassie Febworth, do you want to have your claim through the same? A Yes, sir.
- Q Do you want to have your case considered with theirs? A Yes, sir.

The case of Vassie Febworth is referred to here in this connection. This claimant while he doesn't know Vassie Febworth claims to be related to W. M. Clover and Matilda Clover, who are related to Vassie; in the event that the evidence shows that

he is related to Vassie his application will be considered under that application.

By attorney:

- Q What is your mother's name? A Prudie A. Davis.  
 Q Is that Davis her maiden name? A Yes, sir.  
 Q What was her mother's name? A Amie Pebworth.  
 Q Who was Amie Pebworth's husband? A Art Davis.  
 Q What relation was Amie Pebworth to Henry Pebworth and Patsey Pebworth? A I don't know.  
 Q Have you any brothers? A Yes, sir.  
 Q What is his name? A George Tucker.  
 Q Any sister? A Yes, sir.  
 Q What is the name of your sister? A Katie Wilson.  
 Q Lura McClucky was your sister? A Yes, sir.

By commission:

This applicant has the appearance and physical characteristics of being descended from white parentage, dark brown hair, reddish brown mustache, blue eyes, medium fair complexion; he has no knowledge of the Choctaw language and no knowledge of a compliance on the part of any of his Choctaw ancestors with any of the provisions of the treaty of 1830.

---o---

Chas. Diffendaffer, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause taken at Muskogee, Indian Territory, March 23, 1903, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

*Chas. Diffendaffer*

Subscribed and sworn to before me this 9th day of May 1903.

*Charles H. Sawyer*

Notary Public.

M C R 6144  
M C R 7243  
M C R 7245

Muskogee, Indian Territory, May 23, 1903.

T. F. Cole,  
Attorney at Law,  
Washburn, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 19th instant, enclosing the following:

Marriage license and certificate between J. G. Lehaw and Willie White, offered in support of the Mississippi Choctaw case of Willie Lehaw, et al.

Affidavits of Mary Glover and Matilda Glover offered in support of the Mississippi Choctaw case of Henry Tucker, et al.

Affidavits of G. N. Cannon and J. M. Tucker offered in support of the Mississippi Choctaw case of Henry Tucker, et al.

The above mentioned papers have been filed with the record in the respective cases.

Respectfully,

Chairman.

COPY.

H.C R. 7243.

Kuskogee, Indian Territory, October 27, 1903.

Henry Tucker,

Grant, Indian Territory.

Dear Sir:

You are hereby notified that on October 27, 1903, the Commission to the Five Civilized Tribes rendered a decision identifying you as a Mississippi Choctaw.

You are advised that a copy of the decision above referred to has this day been forwarded Messrs. Mansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations, and they have been allowed fifteen days from the date hereof within which to file such protest as they may desire to the action of the Commission in identifying you as a Mississippi Choctaw. If any such protest is filed by the attorneys for the Nations you will be notified thereof, but in the event no objection is entered by the Nations to the action of the Commission, its decision of October 27, 1903, will become final.

In this connection your attention is invited to the following provision of the act of Congress approved July 1, 1902, (32 Stat., 641):

"All persons duly identified by the Commission to

H. T. - 2.

the Five Civilized Tribes under the provisions of section 21 of the act of Congress approved June 28, 1898, (30 Stats., 495) as Mississippi Choctaws entitled to benefits under article 14 of the treaty between the United States and the Choctaw Nation concluded September 27, 1830, may, at any time within six months after the date of their identification as Mississippi Choctaws by the said Commission make bona fide settlement within the Choctaw-Chickasaw country, and upon proof of such settlement to such Commission within one year after the date of their said identification as Mississippi Choctaws shall be enrolled by such Commission as Mississippi Choctaws entitled to allotment as herein provided for citizens of the tribes, subject to the special provisions herein provided as to Mississippi Choctaws, and said enrollment shall be final when approved by the Secretary of the Interior."

Under the above provision of law the person identified in the decision of October 27, 1903, above referred to, in order to avail himself of such identification, must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before April 27, 1904, and must make proof of such removal and settlement on or before October 27, 1904, at the office of the Commission, at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

(SIGNED)

*T. B. Needles.*  
Commissioner in Charge.

Registered.

M C R 7243

COPY.

Muskogee, Indian Territory, April 6, 1904.

Henry Tucker,  
Grant, Indian Territory.

Dear Sir:

You are hereby notified that on the 6th day of April 1904, the Secretary of the Interior affirmed the decision of this Commission identifying you as a Mississippi Choctaw Indian, of which decision you were advised by registered mail on the 27th day of October, 1903.

Respectfully,

*T. B. Needles.*  
Commissioner in Charge.



CONFIDENTIAL M.C.R. 7243

Muskogee, Indian Territory, April 12, 1904.

Henry Tucker,

Grant, Indian Territory,

Dear Sir:

You are hereby notified that on the 5th day of April, 1904, the Secretary of the Interior affirmed the decision of this Commission identifying you as a Mississippi Choctaw, of which decision you were advised by registered mail on the 27th day of October, 1903.

You are further advised that you will have until April 27th, 1904, to remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, and six months from that date, or until October 27, 1904, in which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

*T. B. McCallister*

Commissioner in Charge.

Registered.

S

C45

No.

7243

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 23 1903

Name Henry Tucker

Age 29

Blood

1/8

Post Office, Grant, D. T.

Father: Ramsey C. Tucker, d

Mother: Prudie A. " d

Claims through mother  $\frac{1}{4}$

wife.

Mary Tucker, l. W

No claim for wife -

~~Children:~~

Claims for self  
alone

Stenographer Ches Clifford Affar

FOR IDENTIFICATION  
A MISSISSIPPI CHOCTAW

Henry Tucker

IDENTIFIED

DECISION RENDERED OCT 27 1902

NOTICE OF DECISION FORWARDED  
APPLICANT

OCT 27 1902

NOTICE OF DECISION  
FORWARDED ATTORNEY  
FOR APPLICANTS.

COPY OF DECISION FORWARDED  
ATTORNEY AT LAW AND  
CHICKASAW NATIONS.

RECORD FORWARDED DEPARTMENT

JAN 12 1903

SECRETARY OF DEPT.

APR 12 1904

APR - 8 1904

APR 12 1904

RECEIVED  
FORWARDED

RECEIVED

RECEIVED

REFER TO M. C. R.

Choctaw MCR 7244

George Tucker

MCR 7244

Department of the Interior  
Commission to the Five Civilized Tribes  
Muskogee, I.T. March 23, 1903.

---o---

In the matter of the application of George Tucker for the identification of himself as a Mississippi Choctaw.

T. J. Cole attorney.

George Tucker being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A George Tucker.  
Q What is your age? A Twenty-four.  
Q What is your post office address? A Foreman, Arkansas.  
Q How long have you lived in Foreman? A Five months.  
Q Where were you born? A Texas.  
Q Where in Texas? A Waco, Texas.  
Q Lived there how long? A Eighteen months.  
Q From there you went where? A Arkansas.  
Q And lived in Arkansas how long? A I reckon about twelve years.  
Q And then went where? A Territory.  
Q Lived where in the Territory? A Choctaw Nation.  
Q How long? A Four years.  
Q Then you went where? A Arkansas.  
Q And have lived there since? A Two years.  
Q Then where did you go? A Territory.  
Q Then where? A Arkansas.  
Q Is your father living? A No, sir.  
Q Is your mother living? A No, sir.  
Q What was your father's name? A Dave Tucker.  
Q What was your mother's name? A Prudie Ann Tucker.  
Q Through which parent do you claim? A Mother.  
Q How much Choctaw blood do you claim? A One-eighth.  
Q You claim your mother was one-quarter? A Yes, sir.  
Q Has she been recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or the United States authorities in Indian Territory? A I don't know.  
Q She never lived in the Territory? A I don't know.  
Q Is your wife living? A Yes, sir.  
Q What is her name? A Tura.  
Q Is she a white woman? A Yes, sir.  
Q Do you make any claim for her? A No, sir.  
Q Have you any children? A No, sir.  
Q You claim for yourself alone? A Yes, sir.  
Q Is your name on any tribal roll of the Choctaw Nation in Indian Territory? A I don't know.  
Q Have you ever made application for citizenship in the Choctaw Nation either to the Choctaw tribal authorities in Indian Territory or to the Dawes Commission under the act of Congress of June 10, 1896? A Yes, sir.

- Q You applied to the commission? A Yes, sir.
- Q Did you ever apply to the Choctaw tribal authorities? A No, sir.
- Q Just the Dawes Commission? A Yes, sir.
- Q Did you apply to them in 1896? A Yes, sir.
- Q What date? A I don't know exactly, in August.
- Q What was done with your application? A It was refused.
- Q Have you ever made any effort to secure citizenship in the Choctaw Nation since that time? A No, sir.
- Q You didn't make an application? A No, sir.
- Q Do you want to be identified now as a Mississippi Choctaw? A Yes, sir.
- Q Do you claim under article fourteen of the treaty of 1830? A Yes, sir.

That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Now that is article fourteen of the treaty of 1830 under which you make this claim today; do you think you understand it well enough to make your claim under it? A Yes, sir.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Patsy Febworth.
- Q What relation was she to you? A Great grandmother.
- Q What was her husband's name if you know? A Henry Febworth.
- Q Was he a white man? A Yes, sir.
- Q Do you know whether they lived in Mississippi in 1830 and had a family there then? A I don't know.
- Q Do you know whether they lived in Mississippi in 1830 and had a family there then? A I don't know.
- Q Or in the state of Alabama in the old Choctaw Nation? A I don't know.
- Q Did you ever hear that any Choctaw ancestor of yours lived on land in the old Choctaw Nation for five years and then got a patent from the government for that land? A No, sir.

- Q Did any of your Choctaw ancestors go before the United States Indian Agent within six months after the ratification of the treaty of 1830 was ratified and attempt to register under article fourteen of the treaty of 1830? A I don't know.
- Q Did any Choctaw ancestor claim any land in that old Choctaw Nation under article fourteen of the treaty of 1830? A I don't know.
- Q Did any Choctaw ancestor go from that old Choctaw Nation east of the Mississippi River to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today for the purpose of making a permanent home in the Choctaw Nation Indian Territory? A I don't know.
- Q Did any of your Choctaw ancestors own any improvement on land in that old Choctaw Nation in 1830? A I don't know.
- Q Did any of your Choctaw ancestors go before the commission of 1837 or 1842 and try to get any benefits under article fourteen of the treaty of 1830? A I don't know.

These commissions were appointed, one by an act of Congress approved March 3, 1837 and the other by an act of Congress approved August 23, 1842, for the purpose of hearing Indians who had tried to register under article fourteen of the treaty of 1830, within six months from the ratification but had been prevented from registering by Colonel Ward, and as a result the government afterwards took their land and sold it.

- Q Did any of your Choctaw ancestors receive any scrip or certificate from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A I don't know.

This scrip was issued under the act of Congress approved August 23, 1842 and was issued to those Choctaw Indians who proved their right under article fourteen and who also proved their land in the old Choctaw Nation had been taken from them and sold.

- Q Do you speak or understand the Choctaw language? A No, sir.

Thirty days time is allowed this applicant from this date in which to introduce other proof in this case.

By attorney:

- Q What relation are you to Henry Tucker? A Brother.
- Q What relation is William N. Clover? A Second cousin.
- Q What relation to Mary A. Clover? A First cousin.
- Q What kin to Matilda Clover? A I don't know.

By Commission:

- Q Are you related to Henry Tucker? A Yes, sir.
- Q And to Henry C. McClusky? A He married my sister.
- Q Benjamin Guice? A Second cousin.
- Q Do you think from what you have heard from the family that you are in some way related to Vassie Pebworth? A I don't know.

7244-4

This applicant has the appearance and physical characteristics of being descended from white parentage, blue eyes, redish complexion and light brown hair almost a redish cast; doesn't understand the Choctaw language and has no knowledge of a compliance on the part of any of his ancestors.

---0---

Chas. Diffendaffer, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause taken at Muskogee, Indian Territory March 23, 12 1903, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

*Chas Diffendaffer*

Subscribed and sworn to before me this 9 th day of May 1903.

*Charles H Sawyer*

Notary Public.



COPY.

Muskogee, Indian Territory, October 27, 1903.

George Tucker,

Foreman, Arkansas.

Dear Sir:

You are hereby notified that on October 27, 1903, the Commission to the Five Civilized Tribes rendered a decision identifying you as a Mississippi Choctaw.

You are advised that a copy of the decision above referred to has this day been forwarded Messrs. Mansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations, and they have been allowed fifteen days from the date hereof within which to file such protest as they may desire to the action of the Commission in identifying you as a Mississippi Choctaw. If any such protest is filed by the attorneys for the Nations you will be notified thereof, but in the event no objection is entered by the Nations to the action of the Commission, its decision of October 27, 1903, will become final.

In this connection your attention is invited to the following provision of the act of Congress approved July 1, 1902, (32 Stat., 641):

"All persons duly identified by the Commission to

G. T., 2.

the Five Civilized Tribes under the provisions of section 21 of the act of Congress approved June 28, 1898, (30 Stat., 495) as Mississippi Choctaws entitled to benefits under article 14 of the treaty between the United States and the Choctaw Nation concluded September 27, 1830, may, at any time within six months after the date of their identification as Mississippi Choctaws by the said Commission make bona fide settlement within the Choctaw-Chickasaw country, and upon proof of such settlement to such Commission within one year after the date of their said identification as Mississippi Choctaws shall be enrolled by such Commission as Mississippi Choctaws entitled to allotment as herein provided for citizens of the tribes, subject to the special provisions herein provided as to Mississippi Choctaws, and said enrollment shall be final when approved by the Secretary of the Interior."

Under the above provision of law the person identified in the decision of October 27, 1903, above referred to, in order to avail himself of such identification, must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before April 27, 1904, and must make proof of such removal and settlement on or before October 27, 1904, at the office of the Commission, at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

(SIGNED)

*I. B. Needles.*

Commissioner in Charge.

Registered.

M C R 7244

Muskogee, Indian Territory, April 6, 1904.

George Tucker,  
Foreman, Arkansas.

Dear Sir:

You are hereby notified that on the 6th day of April, 1904, the Secretary of the Interior affirmed the decision of this Commission identifying you as a Mississippi Choctaw Indian, of which decision you were advised by registered mail on the 27th day of October, 1903.

Respectfully,

*J. D. [Signature]*

Commissioner in Charge.

Muskogee, Indian Territory, April 12, 1904.

George Tucker,

Foreman, Arkansas,

Dear Sir:

You are hereby notified that on the 5th day of April, 1904, the Secretary of the Interior affirmed the decision of this Commission identifying you as a Mississippi Choctaw, of which decision you were advised by registered mail on the 27th day of October, 1903.

You are further advised that you will have until April 27th, 1904, to remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, and six months from that date, or until October 27, 1904, in which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

(SIGNED)

*T. B. Needles.*

Commissioner in Charge.

Registered.

M C R 7244

Muskogee, Indian Territory, April 28, 1905.

George Tucker,

c/o Pugh & Brunson,

Coalgate, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 22nd instant, and the information contained therein has enabled us to identify you upon our records as an identified Mississippi Choctaw and the father of Docia May Tucker, application for whose enrollment was received at this office on April 11, 1905.

Respectfully,

Chairman.

L

No. 7211

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 23 1903

Name George Tucker

Age 24

Blood 1/8

Post Office, Forman, Ark.

Father: Dave Tucker d

Mother: Prudence Ann .. d

Claims through mother  $\frac{1}{4}$  —  
wife.

Sura Tucker l. w.  
No claim for wife

Children:

Claim for self  
alone.

Stenographer Chas. Rufford

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW

R. 72

George Tucker

IDENTIFIED

DECISION RENDERED

OCT 10 1904

NOTICE OF DECISION FORWARDED

APPLICANT

NOTICE OF DECISION  
FORWARDED ATTORNEY  
FOR APPLICANTS.

COPY OF DECISION FORWARDED  
ATTORNEY MISSISSIPPI CHOCTAW AND  
CHICKASAW TRIBES

RECEIVED

ACTION APPROVED  
SECRET

APR 10 1904

APR 10 1904

APR 10 1904

REFER TO M. C. R.

Choctaw MCR 7245

Willie Ann Lehaw

MCR 7245



Department of the Interior  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. March 23, 1903.

---o---

In the matter of the application of Willie Ann Lehuw for the identification of herself and her two minor children, Floyd and Ophelia Lehuw, as Mississippi Choctaws.

T. J. Cole attorney.

Willie Ann Lehuw being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A Willie Ann Lehuw.  
Q What is your age? A Twenty-three.  
Q What is your post office address? A Bokohito, Indian Territory.  
Q How long have you lived there? A Been in the Territory about ten years.  
Q Where did you live before that? A Arkansas.  
Q Were you born in Arkansas? A Yes, sir.  
Q And lived there until you went to the Territory? A Yes, sir.  
Q Is your father living? A No, sir.  
Q Is your mother living? A No, sir.  
Q What was your father's name? A James White.  
Q What was your mother's name? A Mahala Jordan.  
Q That was her maiden name? A Yes, sir.  
Q Do you claim through your father or mother? A Mother.  
Q How much Choctaw blood do you claim? A I think one-eighth.  
Q Do you claim your mother was one-quarter? A Yes, sir.  
Q Has she been recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No, sir.  
Q Is your husband living? A Yes, sir.  
Q What is his name? A Isham Lehuw.  
Q Is he a white man and living? A Yes, sir.  
Q Do you claim for him? A No, sir.  
Q Give the names of your children under age and unmarried? A Floyd.  
Q How old? A Three.  
Q The next? A Ophelia.  
Q How old? A One year.  
Q You claim for yourself and these two children do you? A Yes, sir.  
Q Is your name on any tribal roll of the Choctaw Nation in Indian Territory? A No, sir.  
Q Is Isham Lehuw the father of these children? A Yes, sir.  
Q Are you and he living together as husband and wife and are these children living with you at your home? A Yes, sir.  
Q Have you ever made application for citizenship in the Choctaw Nation either to the Choctaw tribal authorities in Indian Territory or to the Dawes Commission under the act of Congress of June 10, 1896? A Yes, sir.

- Q When did you in 1896? A I think it was.
- Q Was it in August of that year? A I don't remember.
- Q Well application was made, what was done with that application? A I don't know.
- Q Didn't you hear it was rejected? A Yes, sir.
- Q Was anything more done then by you to make application? A No, sir.
- Q The matter was dropped at that time? A Yes, sir.
- Q Have you ever made any application since that for citizenship in the Choctaw Nation? A Well we were up here 26th of this month two years ago.
- Q Before the Dawes Commission? A Yes, sir.
- Q What was done then? A I don't know hardly.
- Q You were admitted were you? A No, sir.
- Q You never have been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States court in Indian Territory? A No.
- Q And for that reason you came before this commission now to be identified as a Mississippi Choctaw, do you? A Yes, sir.
- Q You want to also identify these children? A Yes, sir.
- Q Do you claim under article fourteen of that treaty, are you claiming under it? A Yes, sir.

Article fourteen is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him or her ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q That is article fourteen under which you are making your claim today. Do you know whether any of your Choctaw ancestors complied with it? A No, sir.
- Q What is the name of your ancestor through whom you make your application now? A I don't know.
- Q Who do you claim through, Patsey Pebworth? A I have been told that.
- Q What relation was Patsey Pebworth to you? A Great grandmother.
- Q What was her husband's name? A I don't know.

- Q Do you know whether he was a white man or Indian? A No, sir.  
 Q How much Choctaw blood did Patsey Pebworth have? A One-half, I think.  
 Q You claim through your mother? A Yes, sir.  
 Q And she claims through which parent? A Mother.  
 Q What was her name? A I don't know as I heard it.

By attorney:

- Q Was it Caroline Jordan? A Yes, sir.

By Commission:

- Q Now your attorney says Caroline Jordan, is that your grandmother or don't you know? A That was mother's name Jordan.  
 Q Her name was Mahala White was her maiden name Jordan? A I have been told it was that.  
 Q Was she a daughter of Patsey Pebworth? A Yes, sir.  
 Q Did Patsey Pebworth, or any Choctaw ancestor of yours live in Mississippi in 1830 and have a family there then? A Yes, sir.  
 Q Did she go from the old Choctaw Nation east of the Mississippi River to the Choctaw Nation Indian Territory or did any other Choctaw ancestor of yours go at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A I don't know.  
 Q Did any of your Choctaw ancestors go to Colonel Ward within six months after the treaty was ratified and register or attempt to register under article fourteen of the treaty of 1830? A I don't know.  
 Q Did any of your Choctaw ancestors live on land for five years after the treaty was ratified and at the end of that time receive a patent for that land under article fourteen of the treaty of 1830? A I don't know.  
 Q Did any of your Choctaw ancestors own any improvement on land in the old Choctaw Nation in 1830? A I don't know.  
 Q Did any of your Choctaw ancestors claim any land in the old Choctaw Nation under article fourteen of that treaty? A I think they did.  
 Q Do you know? A I don't know.  
 Q Did any of your Choctaw ancestors go before a commission appointed in 1837 or a commission appointed in 1842 and claim any benefits under article fourteen of the treaty of 1830? A I don't know.

These commissions were appointed one in 1837 by an act of congress approved March 3d of that year and the other by an act approved August 23, 1842, to hear Indians who claimed that they had attempted to register under article fourteen of the treaty of 1830, but because they had been refused the right to register they lost their land in the old Choctaw Nation; the government officers took it from them and sold it.

- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A I don't know.

This scrip was issued under the act of Congress approved August 23, 1842 and was issued to Choctaw Indians who proved their right under article fourteen of the treaty of 1830 and also proved their land had been taken from them and sold by the government.

- Q Are you related to Vassie Pebworth? A I don't remember that name.
- Q Do you know Matilda Clover? A Yes, sir.
- Q And Willim M. Clover? A Yes, sir.
- Q These people have all made application to be identified as Mississippi Choctaws before the Commission and they claim relation to Vassie Pebworth and also claim through the same common ancestor/ do you want to have your case considered under those applications where all claim through the same common ancestor and where all are related? A Yes, sir.

Thirty days time is allowed this applicant from this date in which to introduce other proof in this case.

- Q Do you understand or speak the Choctaw language? A No, sir not much.

This applicant has the appearance and physical characteristics of being descended from white parentage, brown hair, medium fair complexion, brown eyes, doesn't understand the Choctaw language and has no knowledge of a compliance on the part of any of her ancestors with the provisions of the treaty of 1830.

---o---

Chas. Diffendaffer, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause taken at Muskogee, Indian Territory, March 23, 1903, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

*Chas. Diffendaffer*

Subscribed and sworn to before me this 9th day of May 1903.

*Charles H. Sawyer*

Notary Public.

M C R 7245

Muskogee, Indian Territory, April 6, 1904.

Willie Ann Lehuw,

Bokchito, Indian Territory.

Dear Madam:

You are hereby notified that on the 6th day of April, 1904, the Secretary of the Interior affirmed the decision of this Commission identifying you and your children Floyd and Ophelia Lehuw as Mississippi Choctaw Indians, of which decision you were advised by registered mail on the 27th day of October, 1903.

Respectfully,

J. D. JOHNSON.

Commissioner in Charge.

COPY

Muskogee, Indian Territory, April 12, 1904.

Willie Ann Lehuw,

Bokchito, Indian Territory,

Dear Madam:

You are hereby notified that on the 5th day of April, 1904, the Secretary of the Interior affirmed the decision of this Commission identifying you and your children Floyd and Ophelia Lehuw as Mississippi Choctaws, of which decision you were advised by registered mail on the 27th day of October, 1903.

You are further advised that you will have until April 27th, 1904, to remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, and six months from that date, or until October 27, 1904, in which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

*T. B. Needles.*

Commissioner in Charge.

Registered.

M C R 7245

Muskogee, Indian Territory, November 9, 1904.

Willie Ann Lehuw,

Bokchito, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of October 31, 1904, in which you ask to be advised relative to the rights of your husband, Isham Lehuw, as an intermarried citizen of the Choctaw Nation. You state that you have been identified as a Mississippi Choctaw and received your allotment.

In reply you are informed that there is no provision of law guaranteeing rights to persons by reason of their marriage to Mississippi Choctaws.

Respectfully,

Chairman.

COPY.

Muskogee, Indian Territory, October 27, 1903.

Willie Ann Lehuw,

Bokohito, Indian Territory,

Dear Madam:

You are hereby notified that on October 27, 1903, the Commission to the Five Civilized Tribes rendered a decision identifying you and your minor children, Floyd Lehuw and Ophelia Lehuw, as Mississippi Choctaws.

You are advised that a copy of the decision above referred to has this day been forwarded Messrs. Mansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations, and they have been allowed fifteen days from the date hereof within which to file such protest as they may desire to the action of the Commission in identifying the above named persons as Mississippi Choctaws. If any such protest is filed by the attorneys for the Nations you will be notified thereof, but in the event no objection is entered by the Nations to the action of the Commission, its decision of October 27, 1903, will become final.

In this connection your attention is invited to the following provision of the act of Congress approved July 1, 1902, (32 Stat., 841):

"All persons duly identified by the Commission to the Five Civilized Tribes under the provisions of section 21



of the act of Congress approved June 28, 1898, (30 Stats., 495) as Mississippi Choctaws entitled to benefits under article 14 of the treaty between the United States and the Choctaw Nation concluded September 27, 1830, may, at any time within six months after the date of their identification as Mississippi Choctaws by the said Commission make bona fide settlement within the Choctaw-Chickasaw country, and upon proof of such settlement to such Commission within one year after the date of their said identification as Mississippi Choctaws shall be enrolled by such Commission as Mississippi Choctaws entitled to allotment as herein provided for citizens of the tribes, subject to the special provisions herein provided as to Mississippi Choctaws, and said enrollment shall be final when approved by the Secretary of the Interior."

Under the above provision of law the persons identified in the decision of October 27, 1903, above referred to, in order to avail themselves of such identification, must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before April 27, 1904, and must make proof of such removal and settlement on or before October 27, 1904, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

(SIGNED)

*T. B. Needles.*  
Commissioner in Charge.

Registered.

X C R 6144  
X C R 7243  
X C R 7245

Muskogee, Indian Territory, May 25, 1908.

T. J. Cole,  
Attorney at Law,  
Waxahatchie, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 19th instant, enclosing the following:

Marriage license and certificate between J. G. Lebew and Willie White, offered in support of the Mississippi Choctaw case of Willie Lebew, et al.

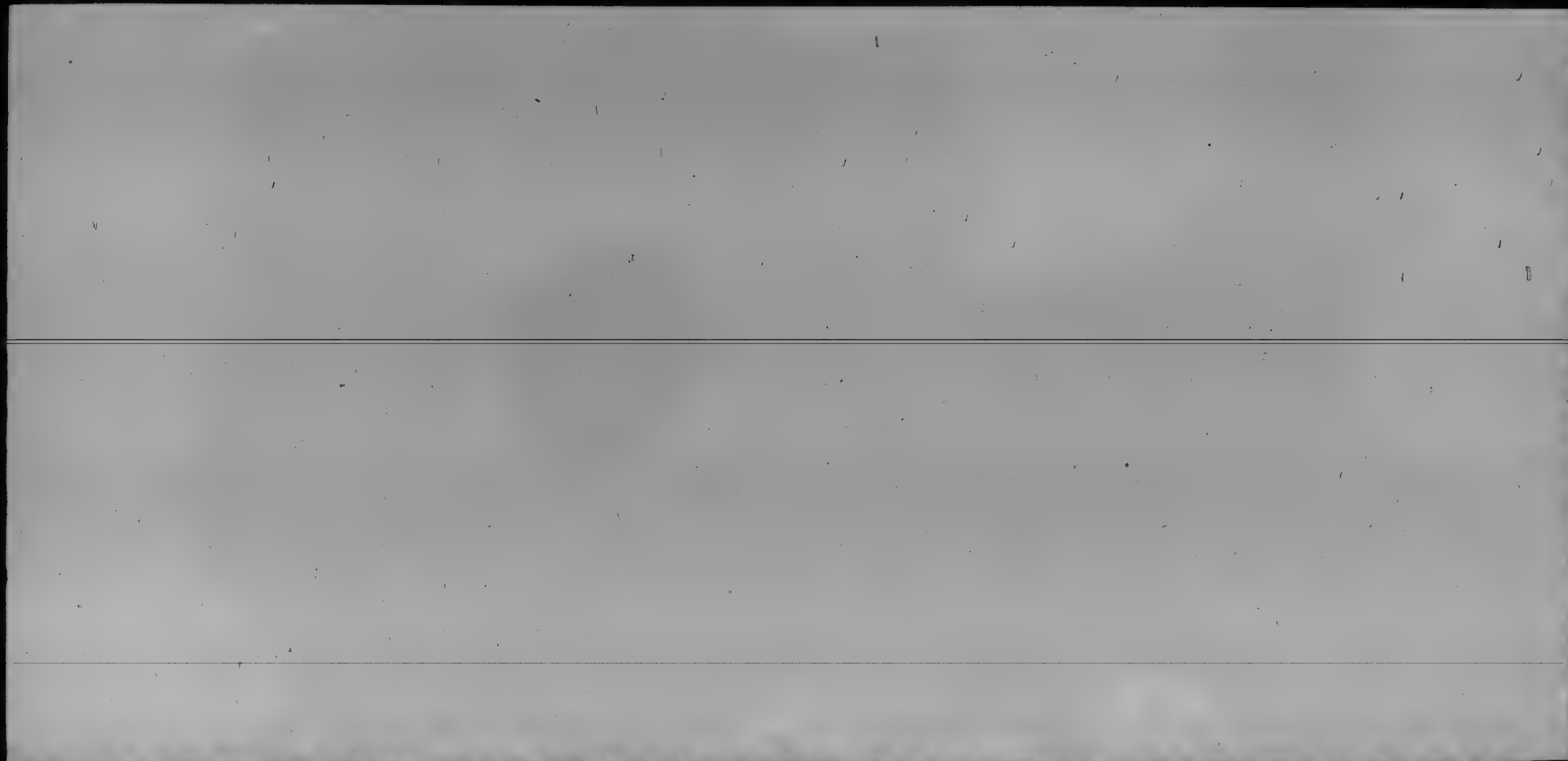
Affidavits of Mary Clover and Matilda Clover offered in support of the Mississippi Choctaw case of Henry Tucker, et al.

Affidavits of G. B. Gaudin and J. M. Tucker offered in support of the Mississippi Choctaw case of Henry Tucker, et al.

The above mentioned papers have been filed with the record in the respective cases.

Respectfully,

Chairman.



u

No.

7245

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 23 1903

Name Willie Ann Lehuw.

Age 23

Blood 1/8

Post Office, Bokchito, I. T.

Father: James White d

Mother: Mahala " d

Claims through mother, 1/4

Husband -

~~John~~ Lehuw. w. l.

No claim for husband

Children:

Floy S Lehuw. 3

Ophelia " 1

Claims for self  
and 2 minors

Stenographer Chas. Elbert Safford

FOR IDENTIFICATION AS

A MISSISSIPPI CHOCTAW

Willie Ann Lehuw, et

IDENTIFIED

DECISION RENDERED

OCT 27 1903

NOTICE OF DECISION FORWARDED

APPLICANT

OCT 27 1903

NOTICE OF DECISION

FORWARDED ATTORNEY

FOR APPLICANTS.

OCT 27 1903

COPY OF DECISION FORWARDED

ATTORNEYS FOR CHOCTAW AND

CHICKASAW NATIONS.

30

RECORDS FORWARDED DEPARTMENT

JAN 11 1904

ACTION APPROVED BY  
SECRETARY OF INTERIOR.

NOTICE OF DEPARTMENTAL  
ACTION MAILED FORWARDED

NOTICE OF DEPARTMENTAL ACTION

MAILED

MAILED

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW

MAILED

MAILED

REFER TO M. C. R.

Choctaw MCR 7246

Joe Willie Hunter

MCR 7246

Department of the Interior  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. March 23, 1903.

---0---

In the matter of the application of Joswillie Hunter for the identification of herself and her two minor children, Mary and Pearl Hunter s Mississippi Choctaws.

T. J. Cole attorney.

Joswillie Hunter being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A Joswillie Hunter.  
Q What is your age? A Twenty-three.  
Q What is your post office address? A Goodwater, Indian Territory  
Q How long have you lived there? A Twelve years.  
Q How long in the Territory? A About thirteen years.  
Q Where were you born? A Clark county Arkansas.  
Q Did you live there until you went to the Territory? A Yes, sir.  
Q Is your father living? A Yes, sir.  
Q Is your mother living? A Yes, sir.  
Q What is your father's name? A Robert L. Clover.  
Q What is your mother's name? A Mary Clover.  
Q Mary Clover has been before the Commission hasn't she, to be identified as a Mississippi Choctaw? A Yes, sir, that was my aunt.  
Q Do you claim through your father or mother? A Father.  
Q It is your aunt that has been here? A Yes, sir.  
Q Has your father Robert L. been here? A No, sir.  
Q How much Choctaw blood do you claim? A One-eighth.  
Q Father is one-fourth? A Yes, sir.  
Q Has he been recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or the United States authorities in Indian Territory? A Yes, sir.  
Q He never has lived in the Indian Territory and made it his home has he? A Yes, sir.  
Q Your attorney says he has not, what have you got to say about it? A Well I don't know.  
Q Is your husband living? A Yes, sir.  
Q Is he a white man or a Choctaw Indian? A White man.  
Q What is his name? A Jim Hunter.  
Q Do you make any claim for your husband? A No, sir.  
Q Give the name of your oldest child? A Mary Hunter.  
Q How old? A Two years old.  
Q Next child? A Pearl.  
Q How old? A Three months old.  
Q You claim for yourself and then two children? A Yes, sir.  
Q Is Jim Hunter the father of your two children? A Yes, sir.  
Q Are you and he living together as husband and wife and are these children living with you at your home? A Yes, sir.

- Q Is your name on any tribal roll of the Choctaw Nation in Indian Territory? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities or to the authorities of the United States under the act of Congress of June 10, 1896? A No, sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by any authority whatever, either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States court in Indian Territory? A No, sir.
- Q Is this your first application for citizenship in the Choctaw Nation? A Yes, sir.
- Q Do you want to be identified now with your children as Mississippi Choctaws? A Yes, sir.
- Q Do you claim under article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand that article well enough to claim under it you think? A No, sir.

The Choctaw Indians in Mississippi were to be removed in 1830 from the old Choctaw Nation to the Choctaw Nation Indian Territory and before their removal it was the desire of the government to make a treaty, this treaty was made in 1830 and was signed September 27th of that year and ratified February 24 of 1831; before the treaty was signed it became known some of the Indians would refuse to go and article fourteen was put into the treaty for their benefit; article fourteen is the article under which you are now claiming, and is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know whether any of your Choctaw ancestors ever complied or attempted to comply with the provisions of that article or not? A No, sir.
- Q Who do you claim through now? A My father.
- Q Do you claim through a person named Patsey Pebworth? A Yes, sir.
- Q How related to you? A She was my great great grandmother.



- Q How much Choctaw blood did she have? A I don't know.
- Q Do you know her husband's name? A No, sir.
- Q Did she live in Mississippi in 1830 and have a family there then? A Yes, sir.
- Q Did she live on land in the old Choctaw Nation for five years and then get a patent from the government for that land? A I don't know.
- Q Did she or anybody for her, or any Choctaw ancestor of yours, go to Colonel Ward within six months after the ratification of the treaty and register or attempt to register under article fourteen of the treaty of 1830? A I don't know.
- Q Did any Choctaw ancestor of yours go from that old Choctaw Nation east of the Mississippi River to the Choctaw Nation Indian Territory with the other Indians at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A I don't know.
- Q Did any Choctaw ancestor of yours own any improvement on land in the old Choctaw Nation in 1830? A Yes, sir.
- Q Sure about that? Where were the improvements and what did they consist of? A I have been told that.
- Q Where? A In Mississippi.
- Q Do you know anything more about it? A No, sir.
- Q Do you know what an improvement is? A Farm.
- Q That is land, what is an improvement on same, do you know? A No, sir.
- Q Did any of your Choctaw ancestors go before a commission in 1837 or a commission in 1842, which commissions were appointed under various acts of Congress and heard claims under article fourteen of the treaty of 1830? A I don't know.

These two commissions were appointed, one in 1837 by an act approved March 3d of that year and the other in 1842 by an act of Congress approved August 23d of that year, for the purpose of hearing Choctaw Indians who claimed that they had registered or attempted to register under article fourteen of the treaty of 1830 and had been refused registration by Colonel Ward and because they had been refused then, their lands had been taken from them and sold at the public land sales of the government.

- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A I don't know.

This scrip was issued under the act of Congress approved August 23, 1842 and was given to Choctaw Indians who proved their right under article fourteen and also proved that their land had been taken from them and sold.

- Q Do you speak or understand Choctaw? A No, sir.

Thirty days time is allowed this applicant from the date hereof within which to introduce other proof in this case.

- Q Are you related to Vassie Peabworth, do you know? A I have been taught that I was.

7246-4

- Q Have heard you were? A Yes, sir.  
Q Would you like to have your case considered under her application?  
A Yes, sir.

The case of Vassie Pebworth is here referred to for the purpose of consolidation, M.C.R. 6144.

This applicant has the appearance and physical characteristics of being descended from white parentage, light hair, light complexion, blue eyes; she has no knowledge of the Choctaw language and no knowledge of a compliance on the part of any of her ancestors.

-----0-----

Chas. Diffendaffer, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause taken at Muskogee, Indian Territory, March 23, 1903, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

*Chas. Diffendaffer*

Subscribed and sworn to before me this 9 th day of May 1903.

*Charles H. Sawyer*

Notary Public.

COPY.

M.C.R. 7246

Muskogee, Indian Territory, April 12, 1904.

Joe Willie Hunter,

Goodwater, Indian Territory.

Dear Madam:

You are hereby notified that on the 5th day of April, 1904, the Secretary of the Interior affirmed the decision of this Commission identifying you and your children, Mary and Pearl Hunter as Mississippi Choctaws, of which decision you were advised by registered mail on the 27th day of October, 1903.

You are further advised that you will have until April 27th, 1904, to remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, and six months from that date, or until October 27, 1904, in which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

(SIGNED)

*J. F. Neill*

Commissioner in Charge.

Registered.

M C R 7246

Muskogee, Indian Territory, April 6, 1904.

Joe Willie Hunter,

Goodwater, Indian Territory.

Dear Madam:

You are hereby notified that on the 6th day of April, 1904, the Secretary of the Interior affirmed the decision of this Commission identifying you and your children Mary and Pearl Hunter as Mississippi Choctaw Indians, of which decision you were advised by registered mail on the 27th day of October, 1903.

Respectfully,

*T. B. Jones.*

Commissioner in Charge.

Muskogee, Indian Territory, February 17, 1904.

Linebaugh Bros.,

Attorneys at Law,

Atoka, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 10th instant, in which you state that J. H. Hunter, of Oconee, Indian Territory, has requested you to write the Commission relative to the status of the citizenship claim of his wife, Joe Willie Hunter and her children, Mary Hunter and Pearl Hunter.

In your letter of the 10th instant you further state that on October 27, 1903, the Commission wrote Joe Willie Hunter at Goodwater, Indian Territory, advising her that she and her two children had been identified as Mississippi Choctaws; that some time during the month of January, 1904, J. H. Hunter filed a protest with the Choctaw Allotment Office protesting against any filings being made on certain lands described therein as the prospective allotments of his wife and children, and in reply thereto received a letter written from the Choctaw Land Office stating that the names of his wife and children did not appear upon any of the schedules of the citizens of the Choctaw or Chickasaw Nations. In conclusion you request to be advised as to the correct status

L. Bros. 2.

of the citizenship of these persons.

In reply to your inquiry you are advised that on September 28, 1900, Robert Lucious Clover, of Goodwater, Indian Territory made application to this Commission for the enrollment of himself and his children as citizens by blood of the Choctaw Nation; his oldest child appearing in said application as Joe Willie Clover.

On November 20, 1900, the Commission rendered a decision refusing the application made by Robert L. Clover for the enrollment of himself and his children as citizens by blood of the Choctaw Nation, and on June 18, 1901, the decision of the Commission of November 20, 1900, was affirmed by the Secretary of the Interior. Of this action Mr. Clover was advised on October 18, 1901.

It further appears from our records that since the application made by Robert Lucious Clover, on September 28, 1900, for the enrollment of his daughter, Joe Willie Clover, as a citizen by blood of the Choctaw Nation, she has married one J. H. Hunter and by him had two children, Mary and Pearl Hunter.

On March 23, 1903, Joe Willie Hunter appeared before the Commission at its office at Muskogee, Indian Territory, and made application for the identification of herself and her two minor children, Mary and Pearl Hunter, as Mississippi Choctaws. This application was consolidated with and made a part of the Mississippi Choctaw case of Matilda Clover, et al., wherein a decision was

L. Bros. 3.

rendered by the Commission on October 27, 1903, identifying the applicants as Mississippi Choctaws. To this action of the Commission objection was entered by the attorneys for the Choctaw and Chickasaw Nations, and briefs were filed and oral argument presented by the attorneys for the applicants and the attorneys for the Choctaw and Chickasaw Nations. The record in this case, together with the decision of the Commission of October 27, 1903, and the additional procedure had therein was on January 13, 1904, forwarded the Secretary of the Interior. The Commission has not yet been advised as to departmental disposition of this case.

You are further advised that as informed by the Choctaw Land Office they are not in possession of any schedule containing the names of Joe Willie Hunter and her two children, nor will they be furnished with the names of these persons and directed to make allotments to them unless the action of the Commission of October 27, 1903, in identifying them as Mississippi Choctaws is approved by the Secretary of the Interior.

In the event of such departmental approval the Choctaw Land Office will be so advised and directed to permit allotments to be selected for these persons as duly identified Mississippi Choctaws. Until advised by the Department as to the disposition of the applications of these persons as Mississippi Choctaws it

L. Bros. 4.

cannot be presumed that they are entitled to select an allotment  
of the lands of the Choctaws and Chickasaws.

Respectfully,

Commissioner in Charge.



COPY.

Muskogee, Indian Territory, October 27, 1903.

Joewillie Hunter,

Goodwater, Indian Territory,

Dear Madam:

You are hereby notified that on October 27, 1903, the Commission to the Five Civilized Tribes rendered a decision indentifying you and your minor children, Mary Hunter and Pearl Hunter, as Mississippi Choctaws.

You are advised that a copy of the decision above referred to has this day been forwarded Messrs. Mansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations, and they have been allowed fifteen days from the date hereof within which to file such protest as they may desire to the action of the Commission in identifying the above named persons as Mississippi Choctaws. If any such protest is filed by the attorneys for the Nations you will be notified thereof, but in the event that no objection is entered by the Nations to the action of the Commission, its decision of October 27, 1903, will become final.

In this connection your attention is invited to the following provision of the act of Congress approved July 1, 1902, (32 Stat., 641):

"All persons duly identified by the Commission to

the Five Civilized Tribes under the provisions of section 21 of the act of Congress approved June 28, 1898, (30 Stats., 495) as Mississippi Choctaws entitled to benefits under article 14 of the treaty between the United States and the Choctaw Nation concluded September 27, 1830, may, at any time within six months after the date of their identification as Mississippi Choctaws by the said Commission make bona fide settlement within the Choctaw-Chickasaw country, and upon proof of such settlement to such Commission within one year after the date of their said identification as Mississippi Choctaws shall be enrolled by such Commission as Mississippi Choctaws entitled to allotment as herein provided for citizens of the tribes, subject to the special provisions herein provided as to Mississippi Choctaws, and said enrollment shall be final when approved by the Secretary of the Interior."

Under the above provision of law the persons identified in the decision of October 27, 1903, above referred to, in order to avail themselves of such identification, must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before April 27, 1904, and must make proof of such removal and settlement on or before October 27, 1904, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

TIGNE

*T. B. Needles.*  
Commissioner in Charge.

Registered.

*L*

111

M C R  
6790-7309  
7307-7246 ✓

Muskogee, Indian Territory, May 9, 1903.

T. J. Cole,  
Waxahachie, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 6th instant, enclosing the following:

Marriage license and certificate between H. A. Wilson and Katie Tucker, offered in support of the Mississippi Choctaw case of Katie Wilson, et al.

Certified copy of marriage license and certificate between W. M. Ricketts and Lydia Jordan, offered in support of the Mississippi Choctaw case of Freddie Ricketts, et al.

Certified copy of marriage certificate between J. H. Hunter and Joe Willie Clever, offered in support of the Mississippi Choctaw case of Joe Willie Hunter, et al.

Joint affidavit of Matilda and Wm. M. Clever relative to the marriage between Taylor Guice and Mary A. Jordan, offered in support of the Mississippi Choctaw case of Mary Ann Barr.

The above mentioned documents have been filed in the respective cases.

Respectfully,

Chairman.

Many Hunter born Reunt.  
 Min labor Roll 1202

✓ lab. Ind 712 Ind R 7241

mem

Int dated. 3/23/03 6/21/04

5/4/03 10/6/03 (6-10/21/03 11/14/03 1-11/03.

(2-11/6/04) (6-11/13/04) 1/14/04 2/17/04 3/15/04

3/20/04 4/5/04 (6-4/6/04) 4/11/04 4/11/04 5/20/04

Del.

Per. 10/21/03, Statement  
 Family Tree  
 Roll

400  
 100  
 25

3435

Many Hunter born Reunt.

Min labor Roll 1202

2 Lab. Ind 717. In R 7241

Mem

Lat dated. 3/23/03 6/21/04  
 5/4/03 10/4/03 (6-10/21/03 11/14/03 11/11/03  
 2-1/4/04) (6-1/13/04) 1/14/04 2/17/04 3/15/04  
 3/20/04 4/5/04 (6-4/6/04) 4/11/04 4/14/04 5/20/04

Del.

Doc. 10/21/03, Statement  
 Family Inc  
 RAI

2 50

50

2 50

9 60

6 40

7 50

10

4 00

1 00

25

34 35

✓  
No. 7246  
FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 28 1903

Name Opewillie Hunter

Age 23 -- Blood  $\frac{1}{8}$

Post Office, Goodwater, D. T.

Father: Robert L. Clover, l

Mother: Mary " l

Claims through father +  $\frac{1}{4}$   
Husband

Jim Hunter, l. w  
No claim for husband

Children:

Mary Hunter, 2

Pearl " 3 m

Claims for self  
and 2 minors

Stenographer Chas. Jeffers aff

# IDENTIFIED

OCT 27 1993

APPLICANT

NOTED 1955

## REFERENCES

FOR APPLICANTS:

1122

COPIES FORWARDED

1992

1. *Journal of the American Medical Association*, 1991; 266: 1033-1036.

## ACTION

SECRETARY OF DEFENSE

APD

**ACTION MAILED APPLICANT**

APR 1 1974

NOTICE OF IMMEDIATE ACTION  
FORWARD TO THE APPLICANT

APR 1904

APR 12 1964

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

A11 - 6544

REFER TO M. C. R.

Choctaw MCR 7247

Robert McGee

MCR 7247



Department of the Interior  
Commission to the five civilized Tribes.  
Muskogee, I.T. March 23, 1903.

---0---

In the matter of the application of Robert McGee for the identification of himself and his six minor children, Aaron, Birdie, Odell, Ida, Lena and Georgie McGee, as Mississippi Choctaws.

J. C. Lowery attorney.

Robert McGee being first duly sworn testifies as follows:

Examination by the commission:

- Q What is your name? A Robert McGee.  
Q What is your age? A Thirty-nine years old.  
Q What is your post office address? A Lenton, Indian Territory.  
Q What nation is that in? A Choctaw Nation.  
Q How long have you resided in the Indian territory? A Two years.  
Q Where did you live before that? A I lived ten years in Texas.  
Q Where before that? A Mississippi.  
Q Born in Mississippi? A Yes, sir.  
Q Do you claim to be a Mississippi Choctaw? A Yes, sir.  
Q How much Choctaw blood do you possess? A I don't know sir.  
Q Do you possess any Choctaw blood? A Said to have.  
Q How much Choctaw blood are you? A A I would suppose about three-eighths.  
Q What is your father's name? A Nelson McGee.  
Q Is your father living? A Yes, sir.  
Q White, negro or Indian? A I expect his race is mixed.  
Q You derive your blood from your father? A Yes, sir.  
Q What is your mother's name? A Maria.  
Q Is your mother living? A Yes, sir.  
Q Your mother is a negro? A Yes, sir.  
Q Possessed of no Choctaw blood? A No, sir.  
Q You claim your right as a Mississippi Choctaw through your father? A Yes, sir.  
Q Is your father living? A Yes, sir.  
Q Where? A Lenton.  
Q Has he ever made application to be identified as a Mississippi Choctaw? A Yes, sir.  
Q When? A Third of this month.  
Q Were your father and mother ever married? A I suppose so.  
Q When were they married? A Before the war.  
Q Was your father a slave? A Yes, sir.  
Q Was your mother a slave? A Yes, sir.  
Q Your father and mother were both slaves? A Yes, sir.  
Q Who did they belong to? A My mother belonged to a man named Callahan.  
Q Who did your father belong to? A McGee.  
Q Were your father and mother owned by white people? A I don't know.

- Q Where were they held in slavery? A In Mississippi.
- Q Are you married? A Yes, sir.
- Q What is your wife's name? A Mollie.
- Q Is your wife living? A Yes, sir.
- Q Is she a negro? A Yes, sir.
- Q Do you make any claim for her? A No, sir.
- Q Have you any children? A Yes, sir.
- Q How many? A Six.
- Q Are they all under age? A Yes, sir.
- Q Give the names and ages of your children beginning with the oldest
- A Aaron.
- Q How old? A sixteen years.
- Q Next? A Birdie.
- Q How old? A Fourteen
- Q The next one? A Odell.
- Q How old? A Twelve.
- Q Next? A Ida.
- Q How old? A Ten.
- Q Next? A Lena.
- Q How old? A Eight.
- Q Next? A Georgie.
- Q How old? A Six.
- Q These children are all living with you at your home? A Yes, sir.
- Q Mollie is the mother of all of them? A Yes, sir.
- Q When were you married to Mollie McGee? A 1883 I believe.
- Q Have you a marriage license and certificate? A No, sir.
- Q You lived at Holly Springs, Mississippi? A That was our county seat.
- Q Have you or these six minor children ever been recognized in any manner as citizens of the Choctaw Nation in Indian Territory? A No, sir.
- Q Has any application ever been made by you or on your behalf for you and these children for recognition as Members of the Choctaw tribe of Indians in Indian Territory? A No, sir.
- Q Have you ever been recognized by any authority as citizens of the Choctaw Nation? A No, sir.
- Q Have you or your six minor children ever been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No, sir.
- Q Have you with your six minor children ever been admitted to citizenship in the Choctaw Nation by the United States court in Indian Territory? A No, sir.
- Q Do you claim the right for yourself and these children under the provision of article fourteen of the treaty of 1830? A Yes, sir.
- Q Are you acquainted with the fourteenth article? A Not exactly.

In 1830 a treaty was entered into by the United States government and the Choctaw Nation. The Choctaw tribe of Indians were then residing in the old Choctaw Nation east of the Mississippi River and this treaty provided for their removal to the Choctaw Nation Indian Territory. A number of the tribe refused to accept the provision as originally drafted, providing for their removal to the Indian Territory, and for their protection there was inserted article fourteen, and on September 27, 1830 it was signed. Article fourteen reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q What is the name of your Choctaw ancestor who complied with the provisions of article fourteen of the treaty of 1830? Samuel McGee.
- Q What relation was he to you? A He was great grandfather.
- Q Was he a resident of the state of Mississippi in 1830? A I don't know.
- Q In order to derive any benefit as a Mississippi it will be necessary for you to denote that you are descended from a Choctaw Indian who resided in Mississippi in 1830 and who was a beneficiary under article fourteen of the treaty of 1830. Have you any testimony to that effect? A I don't know.
- Q Have you any evidence showing that any of your ancestors were at any time recognized members of the Choctaw tribe in the Choctaw Nation in Mississippi or Indian Territory? A Nothing except what I have learned from my father's side.
- Q You said you derived your Choctaw blood through your father? A Yes, sir.
- Q What is his name? A Nelson.
- Q How old is he? A I think he is about sixty-six or seven.
- Q You say you claim your right through your great grandfather? A Yes, sir.
- Q What was your father's father's name? A Walker McGee.
- Q Do you claim through him? A Yes, sir.
- Q What was your grandmother's name? A Louisa.
- Q Was she a Choctaw Indian or negro? A Said to be Choctaw.
- Q How much Choctaw blood? A Full blood.
- Q What was her name? A Louisa.
- Q How many brothers and sisters did your father have older than he? A I don't know, he had one brother and sister older and there were seven children, most of the children died in infancy.
- Q His grandfather and grandmother were the head of a family in 1830, seventy-three years ago, they were living together as husband and wife and had a family? A I couldn't say cause I don't know sure.
- Q Did either your grandfather or grandmother comply with the provisions of article fourteen of the treaty of 1830? A I don't know never heard grandfather say.

By an act of Congress approved March 3, 1837 and another act approved August 23, 1842 commissions were authorized to adjudicate the claims of Choctaw claimants.

- Q Did any of your grandparents Walker McGee or Louisa McGee present claim to either of these commissions and were they ever adjudicated beneficiaries under article fourteen of the treaty of 1830?  
 A I don't know.
- Q Do you speak the Choctaw language? A Not much only a few words.

This applicant has none of the appearances of a Choctaw Indian he has the characteristics of a negro, testifies to the fact of being descended from negro parentage; both he and his parents were slaves and he has no knowledge of the Choctaw language.

Thirty days time allowed this applicant to submit testimony, after which time the Commission will render a decision in this case.

By attorney:

- Q How old do you say your father is? A Something like sixty-seven
- Q Is he an illiterate man or one one able to read and write? A No, sir.
- Q From who do you claim Choctaw blood from? A Father.
- Q And from his mother? A Yes, sir.
- Q Now Mr. McGee did your father own any property down there in Mississippi? A Yes, sir.
- Q Do you ever remember seeing your grandfather? A Yes, sir.
- Q Now describe him as for nationality relations whether Indian or otherwise? A He resembles the Indians I see here in this country - the last time I remember seeing him I was nine years old.
- Q Was your grandfather a slave or your father? A My father was a slave, if my grandfather was a slave I don't know it, he was a freeman.
- Q Do you inherit any Choctaw blood except through your father? A Yes, sir, mother and father.
- Q Well what was she? A Said to be Choctaw.
- Q Well now you want your case consolidated with your father's case? A Yes, sir.
- Q Who made application some time ago about March 1903? A Yes, sir.
- Q Well now isn't it a fact that that on account of the illiteracy of your father and him not knowing how to read and write he don't just exactly know what occurred relative to your grandfather? A You mean his father?
- Q Yes, sir? A I don't know that he would because he can't recollect it now because his mind is not very good now.
- Q How old was you at the time your grandfather got killed? A Ten or eleven years old.
- Q Well did you ever have a talk with him about your rights? A No, sir, didn't talk with him, when he use to come to our house

he would take me in his lap and tell my mother I showed his blood

- Q Just one more question: did your father own any improvement in Mississippi on land? A Yes, sir, he owned land there.
- Q Well did he inherit it? A I don't know, he had it when I first recollect.
- Q And to the best of your knowledge it come through his father? A Yes, sir, when grandfather died he went to where he died to wind up the estate but he had land prior to that time.
- Q Well now you speak about your grandfather never being a slave? A My grandfather was a free man all the same if he ever was a slave & I never heard anything about it.

By Commission:

Reference is made to the case of Nelson McGee M.C.R. 6809 for the purpose of consolidation.

This applicant appeared before Commissioner Bixby and the Commissioner states that he presents the appearance of having mixed blood, possible part negro and part Indian, he has high cheek bones and straight black hair.

---0---

Chas. Diffendaffer being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause taken at Muskogee, Indian Territory March 23, 1903 and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

*Chas. Diffendaffer*

Subscribed and sworn to before me this 9th day of May 1903.

*Charles H. Sawyer*

Notary Public.

M C R

7247 7248

7249 7300

Muskogee, Indian Territory, April 22, 1903.

Robert McGee,

Lenton, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 17th instant, enclosing certified copy of marriage license and certificate between J. A. McGee and Anna Short, offered in support of the application made by John McGee for the identification of himself and minor children as Mississippi Choctaws.

Also certificate of marriage between R. W. McGee and Mollie Roff, offered in support of the application made by you for the identification of yourself and minor children as Mississippi Choctaws.

Also certified copy of marriage license and certificate between G. A. McGee and Ella Bird, offered in support of the application made by George McGee for the identification of himself and minor children as Mississippi Choctaws.

Also certified copy of marriage license and certificate between Thomas McGee and Mary Buffington, offered in support of the application made by Thomas McGee for the identification of himself and minor children as Mississippi Choctaws.

R McG 2

The above mentioned documents have been filed in the respective cases.

Respectfully,

Chairman.

COPY.

M.C.R. 7247

Muskogee, Indian Territory, October 31, 1903.

Robert McGee,

Lenton, Indian Territory,

Dear Sir:

You are hereby advised that on the 31st day of October, 1903, the Commission to the Five Civilized Tribes, rendered a decision in the consolidated case of Samuel Nelson McGee, et al., embracing the following applications for identification as Mississippi Choctaws:

Samuel Nelson McGee,	M.C.R. 6809
Robert McGee, et al.,	M.C.R. 7247
Thomas McGee, et al.,	M.C.R. 7248
George McGee, et al.,	M.C.R. 7249
Truss McGee, et al.,	M.C.R. 7299
John McGee, et al.,	M.C.R. 7300
Effie D. Threest,	M.C.R. 6839
Alfred H. Walker, et al.,	M.C.R. 6750
Tom B. Walker, et al.,	M.C.R. 6751
John T. Walker, et al.,	M.C.R. 6752
James W. Walker, et al.,	M.C.R. 6753
George Walker,	M.C.R. 6754
Thomas W. Davis, et al.,	M.C.R. 7200
John M. Davis, et al.,	M.C.R. 6832
Nelson L. Lackey, et al.,	M.C.R. 6757
John W. Davis, et al.,	M.C.R. 6835
Isaac S. Watson, et al.,	M.C.R. 6762
Margaret McPherson, et al.,	M.C.R. 6758
James T. Strong, et al.,	M.C.R. 6759
Benjamin Franklin Fulton,	M.C.R. 6836
William A. Attaway,	M.C.R. 6760
Edward P. Brown, et al.,	M.C.R. 6834
James H. Moore, et al.,	M.C.R. 6761
Willis Perry, et al.,	M.C.R. 6836
Lee A. Edwards, et al.,	M.C.R. 6837
Lea Hayden, et al.,	M.C.R. 6840



These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Samuel Nelson McGee, Robert McGee, Aaron McGee, Birdie McGee, Odell McGee, Ida McGee, Lena McGee, Georgie McGee, Thomas McGee, Minnie McGee, Walter McGee, Rhoda McGee, Rella McGee, Jim McGee, George McGee, Jesse McGee, Rosa McGee, Robert McGee (2), Maria McGee, Millie McGee, Truss McGee, Charlie McGee, Johnnie McGee, Carrie Lee McGee, Inez McGee, Josie McGee, John McGee, Donnie B. McGee, Thomas McGee, Daisy McGee, Effie D. Threet, Alfred H. Walker, Joe R. Walker, Alfred Hector Walker, Katie U. Walker, Alice L. Walker, Tom H. Walker, Mata L. Walker, John T. Walker, Tom B. Walker, Idella Walker, Josie Walker, Margie Walker, Willie B. Walker, John T. Walker (2), Tommie Walker, Sarah Walker, Irene G. Walker, Earl L. Walker, James W. Walker, Daisy Walker, Robert Walker, George Walker, Thomas W. Davis, Emma E. Davis, Weston M. Davis, Warren W. Davis, John M. Davis, Chauncey Davis, Mary M. Davis, Nelson L. Lackey, Adlena P. Lackey, Christopher C. Lackey, Eddie B. Lackey, John W. Davis, Maria L. Davis, Matilda Davis, Isaac S. Watson, Wilson Watson, Caroline Watson, Margaret McPherson, Sam McCree, James T. Strong, Clarence J. Strong, Signora Strong, Benjamin Franklin Fulton, William A. Attaway, Edward P. Brown, Daisy E. Brown, Everson W. Brown, Noel P. Brown, Earl N. Brown, James H. Moore, William H. Moore, Annie Moore, Mary Lizzie Moore, Maggie A. Moore, Willis Perry, Monroe Perry, Robertson Perry, Page Perry, Willis Perry (2), Lee A. Edwards, James L. Edwards, Lillie Edwards, Lou Hayden, Mary A. Clark, Lucy Clark, Hiram Clark and Henry Clark, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

R. McG. - 3

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

---

Respectfully,

(SIGNED);

*L.B. Needham*  
Commissioner in Charge.

Registered.

M.C.R. 7247

Muskogee, Indian Territory, August 14, 1905.

Robert McGee,

Lenton, Indian Territory,

Dear Sir:

You are hereby notified that on the 3rd day of August, 1905, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Samuel Nelson McGee et al., of which decision you were advised by registered mail on the 31st day of October, 1903.

Respectfully,

Acting Commissioner.

W.

No. 7247

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 23 1903

Name Robert Mc. Gee.

Age 39. Blood 3/8

Post Office, Lenton, Ind. Ter.

Father: Nelson Mc. Gee. l. C. S.

Mother: Maria Mc. Gee. l

Claims through Father.

WIFE: Mollie Mc. Gee. l.

(no claim for wife).

Children:

Ararou Mc. Gee	16
Birdie " "	14
Odell " "	12.
Ida " "	10.
Lena " "	8.
Georgie " "	6.

Claims for self and  
six minor children.

Stenographer Wiffendaffer.

FOR IDENTIFICATION  
A MISSISSIPPI CHOCTAW

Robert Mc Gee, et al

NOV 15 1905

ACTION APPROVED BY  
SECRETARY OF INTERIOR

AUG - 1 1905

NOTICE OF DEPARTMENTAL ACTION  
FOR THE CHOCTAW  
AND THE LAW NATIONS.

AUG 11 1905

AUG 1 1905

AUG 1 1905

REFER TO M C R

6809

Choctaw MCR 7248

Thomas McGee

MCR 7248

Department of the Interior  
Commission to the Five Civilized Tribes  
Muskogee, I.T. March 23, 1903.

---o---

In the matter of the application of Thomas McGee for the identification of himself and his five minor children, Minnie, Walter, Rhoda, Rella and Jim McGee, as Mississippi Choctaws.

J. C. Lowery attorney.

Thomas McGee being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A Thomas McGee.  
Q What is your age? A Thirty-five.  
Q What is your post office address? A Lenton, Indian Territory.  
Q How long have you lived there? A Little over two years.  
Q Where did you live previous to that time? A Portion of the time in Mississippi come to Texas in 1891.  
Q Where were you born? A Mississippi.  
Q Lived there all your life until you come to Texas? A Yes, sir.  
Q Is your father living? A Yes, sir.  
Q What is his name? A Nelson McGee.  
Q Is your mother living? A Yes, sir.  
Q What is her name? A Maria McGee.  
Q Do you claim through your father or mother? A Father.  
Q How much Choctaw blood do you claim? A I don't know.  
Q About how much? A I couldn't tell you.  
Q How much Choctaw blood did your father have? A Well I don't know how much he had, I don't know exactly.  
Q Has your father ever been recognized or enrolled as a Choctaw Indian by either the Choctaw tribal authorities or the United States authorities in Indian Territory? A Not until he came here the first of this month.  
Q Are you married? A Yes, sir.  
Q Is your wife living? A Yes, sir.  
Q What is her name? A Mary.  
Q Is she a Choctaw Indian, white woman or negro? A She has Indian blood in her but never could prove her right, her mother was descended from the Chickasaws.  
Q Do you make any claim for her? A No, sir.  
Q Have you any children? A Yes, sir.  
Q What is the name of the oldest? A Minnie.  
Q How old? A About ten years old born in 1892.  
Q What is the name of the next one? A Walter.  
Q How old is Walter? A Nine.  
Q Give the name of your next child? A Rhoda.  
Q How old is Rhoda? A Six years old.  
Q Next? A Rella.  
Q How old is Rella? A Four years old.  
Q Have you any more children? A One more.  
Q What is the name? A Jim.

- Q How old? A One year old.  
 Q Is Mary the mother of these children? A Yes, sir.  
 Q When were you married to her? A December 31, 1891.  
 Q Were you married by a minister under a license? A I was married by a magistrate.  
 Q Have you the evidence of that marriage with you? A No, sir.

It will be necessary for you to furnish the Commission with proper evidence of the marriage between you and your wife Mary McGee, you will be allowed thirty days for that purpose.

- Q Is your name or the names of any of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.  
 Q Have you ever made any application for citizenship in the Choctaw Nation to the Choctaw tribal authorities or to the Dawes Commission under the act of Congress of June 10, 1896? A No, sir.  
 Q Have you or your children ever been admitted to citizenship by any authority whatever up to the present time? A No, sir.  
 Q Do you come before the Commission at this time for the purpose of making application for the identification of yourself and your minor children as Mississippi Choctaws? A Yes, sir.  
 Q Do you claim under article fourteen of the treaty of 1830? A Yes, sir.  
 Q Do you understand that article? A No, sir.

The treaty of 1830 was made between the United States government and the Choctaw Nation at Dancing Rabbit Creek in Mississippi on the 27th day of September 1830. The government desired to remove the Choctaw Indians from the old Choctaw Nation east of the Mississippi River to the Choctaw Nation Indian Territory and obtained their consent by making this treaty, which they signed; but all the Indians wouldn't go some refused to go under the treaty and in order to protect the interest of those Indians who preferred to stay back in the old Choctaw Nation article fourteen, which you are claiming under now, was drafted and put into the treaty. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article



shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied with that article or not? A I don't know.
- Q Through whom do you claim your right to be identified as a Mississippi Choctaw? A Through my father.
- Q Through whom did your father claim his Choctaw blood? A His mother and father.
- Q Give their names? A Father's name Walker McGee and mother's name Louisa.
- Q Were both of them possessed of Choctaw blood? A Yes, sir.
- Q Can you give the names of either your great grandfather or your great grandmother? A Well I always been told that my great grandfather's father's name was Samuel McGee.
- Q You claim then your right through Samuel McGee? A Yes, sir.
- Q How much Choctaw blood did he have? A I don't know just heard them say he was all Choctaw Indian.
- Q Did he live in Alabama or Mississippi? A In Mississippi I suppose.
- Q Do you know whether he lived in the old Choctaw Nation in Mississippi or Alabama in 1830 and was the head of a family at that time? A No, sir, I don't know.
- Q Do you know whether or not he made any attempt to register under article fourteen of the treaty of 1830 within six months after it was ratified? A Well I don't know.
- Q Did he or any of your Choctaw ancestors live on land in Mississippi or Alabama for five years and then get a patent from the government for that land? A I don't know.
- Q Did you ever hear that Samuel McGee, or that any of your ancestors received a patent from government under article fourteen of the treaty of 1830? A No, sir.
- Q Did any of your Choctaw ancestors go from the old Choctaw Nation to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A My father come from the Mississippi to the Choctaw Nation.
- Q What time did he remove from Mississippi to the Choctaw Nation? A Little over two years ago.
- Q Do you know whether or not any other of your Choctaw ancestors removed from Mississippi to the Choctaw Nation? A No, sir.

By an act of Congress approved March 3, 1837 and another approved August 23, 1842 commissions were appointed which commissions went to Mississippi and heard claims under article fourteen of the treaty of 1830. These commissions were appointed to hear the complaints of Choctaw Indians who tried to register under article fourteen of the treaty of 1830, within six months from the ratification, but were prevented by Colonel Ward, who refused to allow them to register and because they were refused those Indians had their land taken from them and sold.

- Q Did any of your Choctaw ancestors go before either of these commissions and claim any benefit under article fourteen? A Not that I knew of.

- Q Did any of them receive any scrip from the government which entitled them to select land in Mississippi, Louisiana, Alabama or Arkansas? A Not that I know of.
- Q Have any of your relatives ever been before the commission for the purpose of making application to be identified as Mississippi Choctaws? A Not until my father came here.

Reference is made to the case of Nelson McGee, M.C.R. 6809 for the purpose of consolidation.

This applicant will be allowed thirty days from the date hereof within which to introduce other proof in this case.

- Q Do you speak or understand Choctaw? A No, sir.
- Q Any questions you want to ask? A No, sir.

By attorney:

- Q Are you a son of Nelson McGee? A Yes, sir.
- Q You are a brother of Robert McGee? A Yes, sir.

By Commission:

- Q Was your father a slave? A I don't know.
- Q Was your mother a slave? A Yes, sir.
- Q Were you a slave? A No, sir.

This applicant has the appearance of being descended from a mixed negro and Indian parentage, has no knowledge of any compliance on the part of any of his ancestors with article fourteen of the treaty of 1830 and no knowledge of the Choctaw language, his mother was a slave.

By attorney:

- Q Do you know your mother was a slave or just carried away and held in custody? A Well I don't really know.
- Q You will admit this is tradition? A Yes, sir.
- Q Was your grandmother on your father's side a slave? A No, sir.
- Q Wasn't your mother's mother a slave? A Yes, sir.
- Q Was her father a slave? A No, sir, white man.
- Q Was your mother freed by the act of Emancipation? A I suppose she was.

---O---

Chas. Diffendaffer, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause taken at Muskogee, Indian Territory, March 23, 1903, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Subscribed and sworn to before me this 9th day of May 1903.

*Chas. Diffendaffer*  
*Charles H. Sawyer*

Notary Public.

M C R  
7247 7248  
7249 7300

Mustagee, Indian Territory, April 22, 1903.

Robert McGee,  
Lenton, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 17th instant, enclosing certified copy of marriage license and certificate between J. A. McGee and Anna Short, offered in support of the application made by John McGee for the identification of himself and minor children as Mississippi Choctaws.

Also certificate of marriage between R. V. McGee and Nellie Jeff, offered in support of the application made by you for the identification of yourself and minor children as Mississippi Choctaws.

Also certified copy of marriage license and certificate between G. A. McGee and Ella Bird, offered in support of the application made by George McGee for the identification of himself and minor children as Mississippi Choctaws.

Also certified copy of marriage license and certificate between Thomas McGee and Mary Darrington, offered in support of the application made by Thomas McGee for the identification of himself and minor children as Mississippi Choctaws.

2. No. 2

The above mentioned documents have been filed in the respective cases.

Respectfully,

Chairman.

COPY.

M.C.R. 7248

Muskogee, Indian Territory, October 31, 1903.

Thomas McGee,

Lenton, Indian Territory,

Dear Sir:

You are hereby advised that on the 31st day of October, 1903, the Commission to the Five Civilized Tribes, rendered a decision in the consolidated case of Samuel Nelson McGee, et al., embracing the following applications for identification as Mississippi Choctaws:

Samuel Nelson McGee,	M.C.R. 6809
Robert McGee, et al.,	M.C.R. 7247
Thomas McGee, et al.,	M.C.R. 7248
George McGee, et al.,	M.C.R. 7249
Truss McGee, et al.,	M.C.R. 7299
John McGee, et al.,	M.C.R. 7300
Effie D. Threest,	M.C.R. 6839
Alfred H. Walker, et al.,	M.C.R. 6750
Tom B. Walker, et al.,	M.C.R. 6751
John T. Walker, et al.,	M.C.R. 6752
James W. Walker, et al.,	M.C.R. 6753
George Walker,	M.C.R. 6754
Thomas W. Davis, et al.,	M.C.R. 7200
John M. Davis, et al.,	M.C.R. 6832
Nelson L. Lackey, et al.,	M.C.R. 6757
John W. Davis, et al.,	M.C.R. 6833
Isaac S. Watson, et al.,	M.C.R. 6762
Margaret McPherson, et al.,	M.C.R. 6758
James T. Strong, et al.,	M.C.R. 6759
Benjamin Franklin Fulton,	M.C.R. 6835
William A. Attaway,	M.C.R. 6760
Edward P. Brown, et al.,	M.C.R. 6834
James H. Moore, et al.,	M.C.R. 6761
Willis Perry, et al.,	M.C.R. 6836
Lee A. Edwards, et al.,	M.C.R. 6837
Lou Hayden, et al.,	M.C.R. 6840

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Samuel Nelson McGee, Robert McGee, Aaron McGee, Birdie McGee, Odell McGee, Ida McGee, Lena McGee, Georgie McGee, Thomas McGee, Minnie McGee, Walter McGee, Rhoda McGee, Rella McGee, Jim McGee, George McGee, Jesse McGee, Rosa McGee, Robert McGee (2), Maria McGee, Millie McGee, Truss McGee, Charlie McGee, Johnnie McGee, Carrie Lee McGee, Inez McGee, Josie McGee, John McGee, Donnie B. McGee, Thomas McGee, Daisy McGee, Effie D. Threet, Alfred H. Walker, Joe R. Walker, Alfred Hector Walker, Katie U. Walker, Alice L. Walker, Tom H. Walker, Mata L. Walker, John T. Walker, Tom B. Walker, Idella Walker, Josie Walker, Margie Walker, Willie B. Walker, John T. Walker (2), Tommie Walker, Sarah Walker, Irene G. Walker, Earl L. Walker, James W. Walker, Daisy Walker, Robert Walker, George Walker, Thomas W. Davis, Emma E. Davis, Weston M. Davis, Warren W. Davis, John W. Davis, Chauncey Davis, Mary M. Davis, Nelson L. Lackey, Adlena P. Lackey, Christopher C. Lackey, Eddie B. Lackey, John W. Davis, Maria L. Davis, Matilda Davis, Isaac S. Watson, Wilson Watson, Caroline Watson, Margaret McPherson, Sam McCree, James T. Strong, Clarence J. Strong, Signora Strong, Benjamin Franklin Fulton, William A. Attaway, Edward P. Brown, Daisy E. Brown, Everson W. Brown, Noel P. Brown, Earl N. Brown, James H. Moore, William H. Moore, Annie Moore, Mary Lissie Moore, Maggie A. Moore, Willis Perry, Monroe Perry, Robertson Perry, Page Perry, Willis Perry (2), Lee A. Edwards, James L. Edwards, Lillie Edwards, Lou Hayden, Mary A. Clark, Lucy Clark, Hiram Clark and Henry Clark, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

T. McG. - 3

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully, -

(SIGNED):

*T.B. Needles.*

Commissioner in Charge.

Registered.

M.C.R. 7248

Muskogee, Indian Territory, August 14, 1905.

Thomas McGee,

Lenton, Indian Territory,

Dear Sir:

You are hereby notified that on the 3rd day of August, 1905, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Samuel Nelson McGee et al., of which decision you were advised by registered mail on the 31st day of October, 1905.

Respectfully,

Acting Commissioner,



X

No.

7248

## FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

- MAR 23 1903

Name Thomas M<sup>c</sup>See

Age

35

Blood

don't know

Post Office,

Linton I.T.

Father:

Nelson M<sup>c</sup>See L

Mother:

Maria " L

Claims through

father  
wifeMary M<sup>c</sup>See L

no claim for her

Children:

Minnie M<sup>c</sup>See - 10

Walter

"

- 9

Rhoda

"

- 6

Rebecca

"

- 4

Jim

"

- 1

Claims for  
self + children

Stenographer

Chas. Lippin Lippin

FOR IDENTIFICATION  
A MISSISSIPPI CHOCOTAW

Thomas McKee, et al

RECORDS DEPARTMENT

APPROVED BY  
SECRETARY OF INTERIOR

AUG 1 1905

DEPARTMENT OF THE INTERIOR  
ATTORNEY GENERAL  
INDIAN AFFAIRS

AUG 1 1905

AUG 1 1905

DEPARTMENTAL  
OFFICIAL

AUG 1 1905

REFER TO M. C. R.

6809

